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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Walnuts (Juglans Regia) in the Shell [1]

On July 2, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 6292) regarding a proposed revision of United States Standards for Walnuts (Juglans regia) in the shell.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Walnuts (Juglans regia) in the shell are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

The proposed United States Standards for Grades of Walnuts (Juglans regia) in the shell which were contained in the aforesaid notice are hereby adopted in the form in which such standards appeared in said notice and are hereby incorporated herein by this reference except for the following changes:

1. In § 51.2948, line eight, delete comma after "rancidity."

2. In § 51.2948(a), line seven, delete comma after "percent" and add comma after "lot."

3. In § 51.2949, line eight, delete comma after "rancidity."

GENERAL

GRADES

UNCLASSIFIED

SIZE SPECIFICATIONS

VARIETY OR TYPE SPECIFICATIONS

TOLERANCES FOR GRADE DEFECTS

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

APPLICATION OF TOLERANCES

DEFINITIONS

AUTHORITY: §§ 51.2945 to 51.2966 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GENERAL

§ 51.2945 Application.

The standards contained in this subpart apply only to walnuts commonly known as English or Persian walnuts (Juglans regia). They do not apply to walnuts commonly known as black walnuts (Juglans nigra).

§ 51.2946 Color chart.

The walnut color chart [2] to which reference is made in §§ 51.2948, 51.2949, 51.2950 and 51.2962 has been prepared by the United States Department of Agriculture as a part of this subpart.

§ 51.2947 Method of inspection.

In determining the grade of a lot of walnuts, all of the nuts in the sample first should be graded for size and then examined for external defects. The same nuts then should be cracked and examined for internal defects. The nuts must meet the requirements for both external and internal quality in order to meet a designated grade.

GRADES

§ 51.2948 U.S. No. 1.

"U.S. No. 1" consists of walnuts, the shells of which are dry, practically clean, bright and free from splits, injury by discoloration, and free from damage caused by broken shells, perforated shells, adhering hulls or other means. The kernels shall be well dried, free from decay, dark discoloration, rancidity and live insects, and free from damage caused by mold, shriveling, insects or other means. (See § 51.2954.)

(a) This grade shall contain at least 70 percent, by count, of walnuts having kernels which are not darker than "light amber" (see color chart), and which are free from defects: *Provided,* That at least four-sevenths of the above amount, or 40 percent of the walnuts in the lot, shall have kernels which are not darker than "light" (see color chart). Higher percentages of nuts with kernels not darker than "light amber" which are free from grade defects and/or higher percentages with kernels not darker than "light" which are free from grade defects may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

[2] The walnut color chart has been filed with the original document and is available for inspection in the Division of the Federal Register or in the Fruit and Vegetable Division, United States Department of Agriculture, South Building, Washington 25, D.C. A printed copy of this color chart is attached to each copy of these standards issued by the United States Department of Agriculture.

§ 51.2949 U.S. No. 2.

"U.S. No. 2" consists of walnuts, the shells of which are dry, practically clean, free from splits, and free from damage caused by broken shells, perforated shells, adhering hulls, discoloration or other means. The kernels shall be well dried, free from decay, dark discoloration, rancidity and live insects, and free from damage caused by mold, shriveling, insects or other means. (See § 51.2954.)

(a) This grade shall contain at least 60 percent, by count, of walnuts having kernels which are not darker than "light amber" (see color chart), and which are free from grade defects. Higher percentages of nuts with kernels not darker than "light amber" which are free from grade defects and/or percentages with kernels not darker than "light" (see color chart) which are free from grade defects, may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

§ 51.2950 U.S. No. 3.

"U.S. No. 3" consists of walnuts, the shells of which are dry, fairly clean, free from splits, and free from damage caused by broken shells, and free from serious damage caused by discoloration, perforated shells, adhering hulls or other means. The kernels shall be well dried, free from decay, dark discoloration, rancidity and live insects, and free from damage caused by mold, shriveling, insects or other means. (See § 51.2954.)

(a) There shall be no requirements in this grade for the percentage of walnuts having kernels which are "light amber" or "light" in color. However, the percentage, by count, of nuts in any lot having kernels not darker than "light amber" (see color chart) which are free from grade defects and/or the percentage having kernels not darker than "light" (see color chart) which are free from grade defects, may be specified in accordance with the facts. (See § 51.2954.)

(b) Size shall be specified in connection with the grade. (See § 51.2952.)

UNCLASSIFIED

§ 51.2951 Unclassified.

"Unclassified" consists of walnuts in the shell which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a desig-

nation to show that no grade has been applied to the lot.

SIZE SPECIFICATIONS

§ 51.2952 Size specifications.

Size shall be specified in accordance with the facts in terms of one of the following classifications:

(a) *Mammoth size.* Mammoth size means walnuts of which not over 12 percent, by count, pass through a round opening $^{9}\%_{4}$ inches in diameter;

(b) *Jumbo size.* Jumbo size means walnuts of which not over 12 percent, by count, pass through a round opening $^{8}\%_{4}$ inches in diameter;

(c) *Large size.* Large size means walnuts of which not over 12 percent, by count, pass through a round opening $^{7}\%_{4}$ inches in diameter; except that for walnuts of the Eureka variety and type, such limiting dimension as to diameter shall be $^{7}\%_{4}$ inches;

(d) *Medium size.* Medium size means walnuts of which at least 88 percent, by count, pass through a round opening $^{7}\%_{4}$ inches in diameter, and of which not over 12 percent, by count, pass through a round opening $^{7}\%_{4}$ inches in diameter;

(e) *Standard size.* Standard size means walnuts of which not over 12 percent, by count, pass through a round opening $^{7}\%_{4}$ inches in diameter;

(f) *Baby size.* Baby size means walnuts of which at least 88 percent, by count, pass through a round opening $^{7}\%_{4}$ inches in diameter, and of which not over 10 percent, by count, pass through a round opening $^{6}\%_{4}$ inch in diameter; and,

(g) *Minimum diameter, or minimum and maximum diameter.* In lieu of one of the foregoing classification, size of walnuts may be specified in terms of minimum diameter, or minimum and maximum diameter: *Provided,* That not more than 12 percent, by count, pass through a round hole of the specified minimum diameter, and at least 88 percent, by count, pass through a round hole of any specified maximum diameter.

VARIETY OR TYPE SPECIFICATIONS

§ 51.2953 Variety or type specifications.

The variety or type of any lot of walnuts in the shell may be specified in accordance with the facts as follows:

(a) If the lot is of one named variety, that variety name may be specified, or if the lot is of the Placentia Perfection variety and/or like types, it may be specified as "Budded": *Provided,* That not over 10 percent, by count, of the walnuts in the lot are of another variety or type than that specified; and,

(b) If the lot is a mixture of two or more distinct varieties or types or consists of seedlings, it may be specified as "Soft Shells" or "Mixed Varieties".

TOLERANCES FOR GRADE DEFECTS

§ 51.2954 Tolerances for grade defects.

In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted for the respective grades as indicated. All percentages shall be determined on the basis of count. Terms in quotation marks refer to color classifications illustrated on the color chart.[2]

[2] See footnote on p. 7423.

TOLERANCES FOR GRADE DEFECTS

Grade	External (shell) defects	Internal (kernel) defects	Color of kernels
U.S. No. 1	10 percent for splits. In addition 5 percent total for defects other than splits, including not over 3 percent serious damage.	10 percent total, including not more than 6 percent serious damage, but not more than ⅔ of the latter amount, or 5 percent, damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects.	No tolerance to reduce the required 70 percent of "light amber" kernels or the required 40 percent of "light" kernels or any larger percentage of "light amber" or "light" kernels specified.
U.S. No. 2	10 percent for splits. In addition 5 percent for defects other than splits.	20 percent total, including not more than 10 percent serious damage, but not more than ½ of the latter amount, or 5 percent, damaged by insects, but no part of any tolerance shall be allowed for walnuts containing live insects.	No tolerance to reduce the required 60 percent or any larger percentage of "light amber" kernels specified or any percentage of "light" kernels specified.
U.S. No. 3	10 percent for splits. In addition 10 percent total for defects other than splits, including not over 5 percent serious damage by adhering hulls.	30 percent total, including not more than 10 percent very serious damage by shriveling or serious damage by other means, but no part of any tolerance shall be allowed for walnuts containing live insects.	No tolerance to reduce any percentage of "light amber" or "light" kernels specified.

APPLICATION OF TOLERANCES

§ 51.2955 Application of tolerances.

The tolerances provided in these standards are on a lot basis, and they shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the walnuts are obviously of a quality materially different from that in the majority of containers shall be considered as a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2956 Practically clean.

"Practically clean" means that from the viewpoint of general appearance the walnuts are practically free from adhering dirt or other foreign matter and that individual walnuts are not damaged by such means. A slight chalky deposit on the shell is characteristic of many bleached nuts and shall not be considered as dirt or foreign matter.

§ 51.2957 Bright.

"Bright" means a fairly light, attractive appearance. A slight chalky deposit on the shell shall not be considered as affecting brightness.

§ 51.2958 Splits.

"Splits" means walnuts with shell halves separated at the suture but held together by the kernel.

§ 51.2959 Injury by discoloration.

"Injury by discoloration" means that the color of the affected portion of the shell objectionably contrasts with the color of the rest of the shell of the individual nut.

§ 51.2960 Damage.

"Damage" means any injury or defect which materially detracts from the appearance, or the edible or shipping quality of the walnut. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Broken shells when the area from which the shell is missing is greater than the area of a circle one-fourth inch in diameter, or the halves are completely broken apart and separated;

(b) Perforated shells when the area affected aggregates more than that of a circle one-fourth of an inch in diameter. The term "perforated shells" means imperfectly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall;

(c) Adhering hulls when affecting more than 5 percent of the shell surface;

(d) Discoloration (or stain) which covers, in the aggregate, one-fifth or more of the surface of the shell of an individual nut, and which is brown, reddish brown, gray, or other color in pronounced contrast with the color of the rest of the shell or the majority of shells in the lot, or darker discoloration covering a smaller area if the appearance is equally objectionable;

(e) Mold which is white or gray, inconspicuous and thinly scattered over more than one-fourth of the surface of the entire kernel; or any white or gray mold which is thick and conspicuous, or any yellow, blue, green or other colored mold;

(f) Shriveling when more than 5 percent of the surface of the kernel, including both halves, is severely shriveled, or a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance. Kernels which are thin in cross section but which are otherwise normally developed shall not be considered as damaged; and,

(g) Insects when the nut contains web, frass or dead insects, or the kernel shows definite evidence of insect feeding.

§ 51.2961 Well dried.

"Well dried" means that the kernel is firm and crisp, not pliable or leathery.

§ 51.2962 Dark discoloration.

"Dark discoloration" means that the color of the skin of the kernel is darker than "amber". (See color chart.)

§ 51.2963 Rancidity.

"Rancidity" means the stage of deterioration in which the kernel has developed a rancid flavor. Rancidity should not be confused with a slightly astringent flavor of the pellicle (skin) or with staleness, the stage at which the flavor is flat but not distasteful.

§ 51.2964 Fairly clean.

"Fairly clean" means that, from the viewpoint of general appearance, the lot is not seriously damaged by adhering dirt or other foreign matter, and that

individual walnuts are not coated or caked with dirt or foreign matter. Both the amount of surface affected and the color of the dirt shall be taken into consideration.

§ 51.2965 Serious damage.

"Serious damage" means any injury or defect which seriously detracts from the appearance, or the edible or shipping quality of the walnut. Decay, rancidity and insect damage shall be considered serious damage. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Discoloration (or stain) which covers, in the aggregate, one-third or more of the surface of the shell of an individual nut and which is brown, reddish brown, gray, or other color in pronounced contrast with the color of the rest of the shell or the majority of shells in the lot, or darker discoloration covering a smaller area if the appearance is equally objectionable;

(b) Perforated shells when the area affected aggregates more than that of a circle three-eighths of an inch in diameter. The term "perforated shells" means imperfectly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall;

(c) Adhering hulls when affecting more than one-eighth of the shell surface in the aggregate;

(d) Mold which is white or gray, thick and conspicuous and covers one-eighth or more of the surface of the entire kernel, or yellow, green, blue or other colored mold which covers 5 percent or more of the surface of the entire kernel; and,

(e) Shriveling when both halves of the kernel are affected by severe shriveling over an area totaling more than one-eighth of the surface; or when both halves are affected over a greater area by lesser degrees of shriveling producing an equally objectionable appearance. When one of the halves of the kernel shows no shriveling, the kernel shall not be considered seriously damaged unless the other half shows shriveling to the extent that over 50 percent of its surface is severely shriveled, or a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance. Kernels which are thin in cross section, but which are otherwise normally developed shall not be considered as damaged.

§ 51.2966 Very serious damage by shriveling.

"Very serious damage by shriveling" means that more than one-half of the surface of the entire kernel is severely shriveled or that a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance.

It has been determined that it is in the interest of the public and the walnut industry to set the effective date for these revised standards on September 1, 1960 instead of the later date 30 days after publication in the FEDERAL REGISTER, for the following reasons: (1) The walnut harvest will begin in September, and the standards should be in effect before the packing season begins; and (2) the adoption of the revised standards will entail no changes which could cause problems or hardship to the industry (5 U.S.C. 1001–1011).

The United States Standards for Grades of Walnuts (Juglans regia) in the shell contained in this subpart shall become effective on September 1, 1960 and will thereupon supersede the United States Standards for Walnuts (Juglans regia) in the shell which have been in effect since January 25, 1959 (§§ 51.2945 to 51.2967).

Dated: August 3, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60–7342; Filed, Aug. 5, 1960; 8:48 a.m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Grapes [1]

On July 22, 1959, a notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 5845) regarding a proposed issuance of the United States Standards for Grades of Canned Grapes.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Grapes are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627):

PRODUCT DESCRIPTION AND GRADES

Sec.
52.4021 Product description.
52.4022 Grades of canned grapes.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS

52.4023 Liquid media and Brix measurements for canned grapes.
52.4024 Recommended fill of container for canned grapes.
52.4025 Recommended minimum drained weights for canned grapes.
52.4026 Compliance with recommended minimum drained weights.

FACTORS OF QUALITY

52.4027 Ascertaining the grade.
52.4028 Ascertaining the rating for the factors which are scored.
52.4029 Color.
52.4030 Uniformity of size.
52.4031 Absence of defects.
52.4032 Character.

LOT INSPECTION AND CERTIFICATION

52.4033 Ascertaining the grade of a lot.

SCORE SHEET

52.4034 Score sheet for canned grapes.

AUTHORITY: §§ 52.4021 to 52.4034 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION AND GRADES

§ 52.4021 Product description.

Canned grapes for the purpose of this subpart cover the product prepared from fresh, sound, properly matured grapes of the Thompson Seedless (Sultanina) variety or similar variety of light seedless grapes for canning. The grapes are stemmed, cleaned, and washed; are packed in a suitable packing media with or without the addition of nutritive sweetening ingredient(s), artificial sweetening ingredient(s), or other ingredient(s) permissible under the Federal Food, Drug, and Cosmetic Act; and are sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

§ 52.4022 Grades of canned grapes.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned grapes that possess similar varietal characteristics; that possess a normal flavor; that possess a good color; that are practically uniform in size; that are practically free from defects; that possess a good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 85 points: *Provided,* That the canned grapes may possess a reasonably uniform and reasonably bright typical color and may be reasonably uniform in size, if the total score is not less than 85 points.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of canned grapes that possess similar varietal characteristics; that possess a normal flavor; that possess a reasonably good color; that are reasonably uniform in size; that are reasonably free from defects; that possess a reasonably good character; and that for those factors which are rated in accordance with the scoring system outlined in this subpart, the total score is not less than 70 points: *Provided,* That the canned grapes may fail to be reasonably uniform in size, if the total score is not less than 70 points.

(c) "Substandard" is the quality of canned grapes that fail to meet the requirements of U.S. Grade B.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS

§ 52.4023 Liquid media and Brix measurements for canned grapes.

"Cut-out" requirements for liquid media in canned grapes are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurements, as applicable, for the respective designations are as follows:

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Designations	Brix measurement
"Extra heavy sirup"	22° or more but not more than 35°.
"Heavy sirup"	18° or more but less than 22°.
"Light sirup"	14° or more but less than 18°.
"Slightly sweetened water."	Less than 14°.
"In water"	(No requirement.)
"In grape juice"	(No requirement.)

§ 52.4024 Recommended fill of container for canned grapes.

The recommended fill of container for canned grapes is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be as full of grapes as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

§ 52.4025 Recommended minimum drained weights for canned grapes.

(a) *General.* The minimum drained weight recommendations in Table I of this subpart are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining drained weight.* The drained weight of canned grapes is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and grapes less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

§ 52.4026 Compliance with recommended minimum drained weights.

Compliance with the recommended minimum drained weights for canned grapes is determined by averaging the drained weights from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations if the following criteria are met:

(a) The average of the drained weights from all of the containers meets the recommended drained weight;

(b) One-half or more of the containers meet the recommended drained weight; and

(c) The drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practice.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED GRAPES

Container designations (metal, unless otherwise stated)	Container size—over-all dimensions		In any liquid medium
	Width	Height	
	Inches	*Inches*	*Ounces*
8 Z tall	2 1/16	3 4/16	5.0
8 oz. glass			5.0
No. 300	3	4 7/16	9.0
No. 1 tall	3 1/16	4 1 1/16	10.0
No. 303	3 3/16	4 9/16	10.0
303 glass			10.0
No. 2	3 7/16	4 9/16	12.0
No. 2½	4 1/16	4 1 1/16	17.0
No. 2½ glass			17.0
No. 10	6 3/16	7	62.0

FACTORS OF QUALITY

§ 52.4027 Ascertaining the grade.

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points.*
(i) Varietal characteristics.
(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color	20
(ii) Uniformity of size	20
(iii) Absence of defects	30
(iv) Character	30
Total score	100

(b) *Definition of normal flavor.* "Normal flavor" means that the canned grapes are free from objectionable flavors and objectionable odors of any kind.

§ 52.4028 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means "17, 18, 19, or 20 points").

§ 52.4029 Color.

(a) *General.* The factor of color does not apply to canned grapes which are artificially colored and spiced grapes and is not scored on such grapes but the other three factors (uniformity of size, absence of defects, and character) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) (*A*) *classification.* Canned grapes that possess a good color may be given a score of 17 to 20 points. "Good color" means that the grapes possess a practically uniform and bright, light green to greenish-yellow color, typical of well-developed Thompson Seedless grapes that have been properly prepared and processed; and that not more than 10 percent, by weight, of the drained grapes may possess a noticeably dull color, or a light tan cast.

(c) (*B*) *classification.* If the canned grapes possess a reasonably good color, a score of 14 to 16 points may be given. Canned grapes that fall into this classification due to a noticeably dull color or a brownish cast shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule). "Reasonably good color" means that the grapes possess a reasonably uniform and reasonably bright color typical of Thompson Seedless grapes that have been properly prepared and processed; and that the presence of grapes with a noticeably dull color or a brownish cast does not seriously affect the appearance or edibility of the product.

(d) (*SStd*) *classification.* Canned grapes that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.4030 Uniformity of size.

(a) (*A*) *classification.* Canned grapes that are practically uniform in size may be given a score of 17 to 20 points. "Practically uniform in size" means that the weight of the 5 percent, by count, consisting of the largest intact grapes in the sample unit is not more than twice the weight of the 5 percent, by count, consisting of the smallest intact grapes in the sample unit.

(b) (*B*) *classification.* If the canned grapes are reasonably uniform in size, a score of 14 to 16 points may be given. "Reasonably uniform in size" means that the grapes may vary in size as to appearance and weight provided such variation in size does not seriously affect the appearance of the product.

(c) (*SStd*) *classification.* Canned grapes that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule).

§ 52.4031 Absence of defects.

(a) *General.* The factor of absence of defects refers to the degree of freedom from main stems (or portions thereof), harmless extraneous vegetable material, attached or loose capstems, mutilated grapes, blemished grapes, and any other defects not specifically mentioned that affect the appearance or edibility of the product.

(b) *Definition of defects.* (1) "Blemished" means any discolored area on or in the grape, which singly or in the aggregate, materially affects the appearance of the grape. Cracks without discoloration are considered processing cracks and are not scored as defects. (See § 52.4032.)

(2) "Seriously blemished" means any blemished area on or in the grape (such as scab, scar tissue, and discolored cracks), which singly or in combination with other defects, seriously affects the appearance or edibility of the grape.

(3) "Mutilated" means that the grape is so spread open beyond the center or crushed or broken that it cannot be restored to its original shape or that the grape is severed into two or more separate parts.

(c) (*A*) *classification.* Canned grapes that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" means that:

(1) There may be present not more than 1 main stem (or portion thereof) or 1 piece of other harmless extraneous vegetable material for each 100 ounces, on an average, of total contents;

(2) There may be present not more than 1 capstem (either attached or loose) for each 4 ounces of total contents;

(3) Not more than a total of 5 percent, by weight, of the drained grapes may be mutilated, blemished, or seriously blemished: *Provided,* That not more than 3 percent, by weight, of the drained grapes may be seriously blemished; and

(4) The presence of main stems (or portions thereof), other harmless extraneous vegetable material, loose or attached capstems, mutilated grapes, blemished or seriously blemished grapes, and any other defects, individually or collectively does not materially affect the appearance or edibility of the product.

(d) (*B*) *classification.* Canned grapes that are reasonably free from defects may be given a score of 21 to 25 points. Canned grapes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) There may be present not more than a total of 3 main stems (or portions thereof) or pieces of other harmless extraneous vegetable material for each 100 ounces, on an average, of total contents;

(2) There may be present not more than 1 capstem (either attached or loose) for each 2 ounces of total contents;

(3) Not more than a total of 10 percent, by weight, of the drained grapes may be mutilated, blemished, or seriously blemished: *Provided,* That not more than 5 percent, by weight, of the drained grapes may be seriously blemished; and

(4) The presence of main stems (or portions thereof), other harmless extraneous vegetable material, loose or attached capstems, mutilated grapes, blemished or seriously blemished grapes, and any other defects, individually or collectively does not seriously affect the appearance or edibility of the product.

(e) (*SStd*) *classification.* Canned grapes that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.4032 Character.

(a) *General.* The factor of character refers to the fleshiness and texture of the canned grapes and to the presence of serious processing cracks.

(1) "Serious processing crack" means a crack without any discoloration that is split to or beyond the approximate center of the grape but is not a mutilated grape. Processing cracks that are not serious are not scored.

(b) (*A*) *classification.* Canned grapes that possess a good character may be given a score of 25 to 30 points. "Good character" means that the grapes are reasonably uniform in texture and are generally thick-fleshed and tender but not soft or flabby; and that not more than 5 percent, by weight, of the drained grapes may be affected by serious processing cracks.

(c) (*B*) *classification.* If the canned grapes possess a reasonably good character, a score of 21 to 24 points may be given. Canned grapes that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the grapes are fairly uniform in texture and may be slightly soft but are not flabby; and that not more than 10 percent, by weight, of the drained grapes may be affected by serious processing cracks.

(d) (*SStd*) *classification.* Canned grapes that fail to meet the requirement of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT INSPECTION AND CERTIFICATION

§ 52.4033 Ascertaining the grade of a lot.

The grade of a lot of canned grapes covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.4034 Score sheet for canned grapes.

Size and kind of container	
Container mark or identification	
Label	
Net weight (ounces)	
Vacuum (inches)	
Drained weight (ounces)	
Brix measurement	
Sirup designation (extra heavy, heavy, etc.)	

Factors		Score points
Color	20	(A) 17–20 (B) [2] 14–16 (SStd.) [1] 0–13
Uniformity of size	20	(A) 17–20 (B) 14–16 (SStd.) [2] 0–13
Absence of defects	30	(A) 26–30 (B) [1] 21–25 (SStd.) [1] 0–20
Character	30	(A) 25–30 (B) [1] 21–24 (SStd.) [1] 0–20
Total score	100	

Flavor ( ) Normal ( ) Off	
Grade	

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

The United States Standards for Grades of Canned Grapes (which is the first issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER.

Dated: August 2, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-7297; Filed, Aug. 5, 1960; 8:45 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 209]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.509 Valencia Orange Regulation 209.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current

week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 4, 1960.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 7, 1960, and ending at 12:01 a.m., P.s.t., August 14, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 625,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated:

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7414; Filed, Aug. 5, 1960; 11:25 a.m.]

[Peach Order 1, Amdt. No. 2]

PART 934—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

Findings. 1. Pursuant to the marketing agreement, and Order No. 34 (7 CFR Part 934), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Washington Fresh Peach Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that limitation of shipments of fresh peaches, in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postponed the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restriction on the handling of fresh peaches grown in Washington.

It is, therefore, ordered as follows: The provisions in paragraph (b)(3) of § 934.301 (Peach Order 1; 25 F.R. 6260; 7238) are hereby amended to read as follows:

(3) *Minimum size requirements.* Such peaches shall measure at least 2⅜ inches in diameter: *Provided,* That any lot of peaches shall be deemed to meet such minimum diameter requirement if (i) not more than 10 percent, by count, of the peaches in such lot are smaller than 2⅜ inches in diameter, or (ii) such peaches are not smaller than a size that will pack, in accordance with the requirements prescribed for a standard pack, 65 peaches in a standard peach box, 70 peaches in a cascade lug box, or 72 peaches in a L.A. lug box: *Provided, further,* That Elberta type peaches, when packed in a standard peach box, may be shipped if such peaches are of a size that will pack, in accordance with the requirements prescribed for a standard pack, 72 peaches in said box.

The term "standard pack" shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.1210–51.1223); the term "standard peach box" shall mean a wooden container with inside dimensions of 4½ to 5 by 11½ by 16 inches; the term "cascade lug box" shall mean a wooden container with inside dimensions of 6 by 11½ by 18 inches; the term "L.A. lug box" shall mean a wooden container with inside dimensions of 5¾ by 13½ by 16⅛ inches; and the term "Elberta type peaches" shall mean the Elberta, Early Elberta, Golden Elberta, Fay Elberta, and similar varieties of peaches.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated August 4, 1960, to be effective on and after 12:01 a.m., P.s.t., August 8, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7394; Filed, Aug. 5, 1960; 9:19 a.m.]

[Peach Order 1]

PART 940—PEACHES GROWN IN MESA COUNTY, COLO.

Regulation by Grades and Sizes

§ 940.312 Peach Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 40, as amended (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 7, 1960. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 28, 1960; recommendations as to the need for, and the extent of, regulation of shipments of such peaches were made by said committee on July 28, 1960, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendations and supporting information were submitted to the Department, and made available to growers and handlers; shipments of some of the early varieties of the current crop of peaches have begun in light volume, and shipments in heavy volume are expected to begin shortly, and this section should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., M.s.t., August 7, 1960, and ending at 12:01 a.m., M.s.t., October 16, 1960, no handler shall ship:

(i) Any peaches of any variety which do not grade at least U.S. No. 1;

(ii) Any peaches of the Early Elberta, Gleason Elberta, Sullivan Elberta, or Golden Jubilee varieties which are of a size smaller than 2 inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2 inches in diameter (*a*) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2 inches in diameter; and (*b*) if not more than 15 percent, by count, of the peaches contained in any individual container in

such lot are smaller than 2 inch in diameter; or

(iii) Any varieties of peaches other than the Early Elberta, Gleason Elberta, Sullivan Elberta, and Golden Jubilee varieties which are of a size smaller than 2⅛ inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (*a*) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2⅛ inches in diameter; and (*b*) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(3) *Definitions.* As used herein, "peaches," "handler," "ship," and "varieties" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U.S. No. 1," "diameter," and "count" shall have the same meaning as when used in the United States Standards for Peaches (§§ 51.1210–51.1223 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 3, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7343; Filed, Aug. 5, 1960; 8:49 a.m.]

[Lemon Reg. 858]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.965 Lemon Regulation 858.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 2, 1960.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 7, 1960, and ending at 12:01 a.m., P.s.t., August 14, 1960, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 4, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7381; Filed, Aug. 5, 1960; 8:51 a.m.]

[Prune Order 1, Amdt. 1]

PART 1029—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, and Order No. 129 (7 CFR Part 129; 25 F.R. 6350), regulating the handling of fresh prunes grown in designated counties in Washington, and in Umatilla County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Washington-Oregon Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that limitation of shipments of fresh prunes, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; minimum quantity exemptions were provided for in the order to facilitate sales of prunes from the orchard where grown or from roadside stands to consumers, and such was the intent in fixing 300 pounds as the minimum quantity exemption in the initial regulation; experience has shown, however, that some handlers are making commercial shipments in the amounts now permitted; this amendment tends to close avenues of escape from the provisions of the order which have been found to exist; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective not later than the date hereinafter specified; and compliance with this amendment will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

It is, therefore, ordered as follows: The provisions in paragraph (b)(2) of § 1029.301 (Prune Order 1; 25 F.R. 7203) are hereby amended to read as follows:

(2) Notwithstanding any provision of this section, any individual shipment of prunes which, in the aggregate, does not exceed 150 pounds net weight may be handled without regard to the restrictions specified in this paragraph (b) or in §§ 1029.41 and 1029.55.

(Secs. 1–9, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 3, 1960, to be effective on and after 12:01 a.m., P.s.t., August 8, 1960.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–7382; Filed, Aug. 5, 1960; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket 464; Amdt. 187]

PART 507—AIRWORTHINESS DIRECTIVES

Hiller UH–12D and UH–12E Helicopters

Subsequent to issuance of Amendment 125, 25 F.R. 2765, against Hiller Model UH–12D and UH–12E helicopters exten-

sive investigations and tests conducted by the manufacturer have established that the interval between the dye penetrant inspections of paragraph (2) may be extended from 25 hours to 200 hours of time in service without adversely affecting safety of the aircraft. Accordingly, Amendment 125 is being amended to incorporate the extension.

Since this amendment grants relief, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a), (14 CFR Part 507), is amended as follows:

Amendment 125, Hiller UH–12D and UH–12E helicopters, as it appeared in 25 F.R. 2765 is amended by changing the first sentence of paragraph (2) to read: "Perform dye penetrant inspection, or equivalent, of the bolt hole and adjacent milled surfaces within 10 hours' time in service and every 200 hours' time in service thereafter on all forks with 250 or more hours' time in service."

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 29, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60–7319; Filed, Aug. 5, 1960; 8:45 a.m.]

[Reg. Docket 347; Amdt. 188]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC–3 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring corrective action on Douglas DC–3 aircraft with geared rudder tab installations was published in 25 F.R. 3476.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all DC–3 Series aircraft with geared rudder tab installations based on data approved prior to the effective date of this airworthiness directive.

Compliance is required as indicated.

(a) In order to correct rudder force reversal tendencies on existing installations, the following shall be accomplished:

(1) Within two weeks after the effective date of this directive and until the aircraft has been flight tested or modified in accordance with this directive, a placard shall be placed in the aircraft in full view of the pilot which reads as follows:

"Possible rudder force reversal and/or rudder lock may be experienced in this aircraft if rudder application is not coordinated with lateral control. Avoid yawed flight."

This placard shall be retained in the airplane and complied with until either of the applicable procedures described in (2) have been accomplished.

(2) To remove the placard, either of the following procedures must be accomplished:

(i) *Inspection and test of the geared tab installation.* (a) Check the rigging of the geared rudder tab installation in accordance with the manufacturer's approved installation data to prove conformity of this installation prior to the required flight test below. The results of the rigging check must be recorded in the aircraft logbook and signed by the individual making the check.

(b) Contact the nearest FAA Regional Office and make arrangements through the Flight Test Branch for having the aircraft tested. The results of this flight test must be recorded in the aircraft logbook and signed by the individual conducting the flight test.

(c) If the rudder control characteristics in the flight test are found to meet the requirements of Civil Air Regulations, Part 4a, § 4a.758–T (or Civil Air Regulations, Part 4b, sec. 4b.157), the placard in paragraph (1) may be removed.

(d) If the rudder control characteristics in the flight test are found not to meet the requirements of Civil Air Regulations, Part 4a, § 4a.758–T (or Civil Air Regulations, Part 4b, Sec. 4b.157), the placard may not be removed until a corrective design modification has been made, officially inspected and flight tested, and found to comply with the above regulations.

(ii) *Replacement with an approved new or modified geared tab installation.* At such time as a "fix" or a new design installation has been devoloped, officially inspected and flight tested, and found to comply with the regulations, such an FAA approved modification or design may be installed in accordance with the manufacturer's specifications, a rigging and installation check made and recorded in the aircraft logbook by the individual who made the check. No mandatory flight tests will be necessary for such installations and the above-mentioned placard may be removed at this time.

(b) To preclude the installation on other aircraft of geared tabs of the same design which may have rudder force reversal tendencies, the following shall be accomplished prior to each approval:

(1) An official flight test shall be arranged with the nearest FAA Regional Office to determine that the installation complies with the regulations. The results of this flight test, as well as the prior inspection for conformity with approved installation data, must be recorded in the aircraft logbook and signed by the individuals conducting the installation inspection and flight test.

This amendment shall become effective 30 days after the date of its publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 29, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60–7320; Filed, Aug. 5, 1960; 8:45 a.m.]

[Reg. Docket 469; Amdt. 189]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707 Series Aircraft

Further investigation of the Boeing 707 main landing gear outer cylinder has substantiated less conservative rework limits than now required in Amendment 136, 25 F.R. 3576. Test results show that the maximum depth of rework specified in paragraph (e)(1) may be increased and the limitation on crack length may be deleted. However, future rework accomplished requires that an additional 0.03 inch of material be removed after removal of crack is verified by inspection. Therefore, a new paragraph (e)(1) is being incorporated in the directive to provide these changes, and paragraph (e)(2) is being deleted.

Although the removal of the crack size limitation is relaxatory, the additional requirement for removal of material beneath the crack is considered necessary in the interest of safety. Therefore, notice and public procedure hereon are impracticable and this amendment may be made effective in less than thirty days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a), (14 CFR Part 507), is amended as follows:

Amendment 136, Boeing 707 Series aircraft with main landing gear oleo cylinders having more than 500 hours' time in service, as it appeared in 25 F.R. 3576 is amended:

1. By deleting the present paragraph (e)(1) and substituting therefor the following:

(1) Rework the affected area with a hand file and smooth with No. 320 emery paper. Complete removal of crack must be verified by dye penetrant inspection or FAA approved equivalent. If cracks are completely removed as verified by such inspection, remove an additional 0.03 inch of material. After all rework is completed, the maximum allowable depth of material removed is 0.08 inch using a 1.00 inch minimum radius.

Parts previously reworked in accordance with the crack limitations contained in Amendment 136 Part 507 FEDERAL REGISTER April 26, 1960, need not be reworked again to incorporate 0.03 inch insurance material removal. If crack reappears in this reworked area, or a new crack develops, rework must be accomplished in accordance with the above instructions.

2. By deleting paragraph (e)(2).

This amendment shall become effective 15 days after publication in the FEDERAL REGISTER.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 2, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60–7321; Filed, Aug. 5, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 462; Amdt. 63]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Alterations

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days notice.

Part 610 is amended as follows:

Section 610.13 *Green Federal airway 3* is amended to read in part:

From Donner Summit, Calif., LF/RBN; to *Reno, Nev., LFR; MEA 12,000. *10,500—MCA Reno LFR, westbound.

Section 610.15 *Green Federal airway 5* is amended to read in part:

From *Riverside, Calif., LFR; to Blythe, Calif., LFR; MEA 13,000. *11,000—MCA Riverside LFR, eastbound.

From Banning, Calif., FM; to Riverside, Calif., LFR, westbound only; MEA 10,000.

Section 610.105 *Amber Federal airway 5* is amended to read in part:

From Waterloo INT, Mo.; to St. Louis, Mo., LFR; MEA 2,600.

Section 610.213 *Red Federal airway 13* is amended to read:

From Crystal Lake, Pa.; LF/RBN; to Stewart, N.Y., LF/RBN; MEA 4,000.

From Stewart, N.Y., LF/RBN; to Poughkeepsie, N.Y., LFR; MEA 3,000.

From Poughkeepsie, N.Y., LFR; to Hartford, Conn., LFR; MEA 3,000.

From Hartford, Conn., LFR; to Moosup INT, Conn.; MEA 2,000.

From Moosup INT, Conn.; to Providence, R.I., LFR; MEA 1,600.

Section 610.251 *Red Federal airway 51* is amended to read:

From Blackstone, Va., LFR; to Carson INT, Va.; MEA 1,800.

From Carson INT, Va.; to Langley, Va., LFR; MEA 1,500.

Section 610.265 *Red Federal airway 65* is amended to read in part:

From Julian, Calif., LF/RBN; to Hayfield Lake, Calif., LF/RBN; MEA 9,000.

Section 610.288 *Red Federal airway 88* is amended to read in part:

From Roswell, N. Mex., LFR; to Hobbs, N. Mex., LFR; MEA 6,000.

Section 610.618 *Blue Federal airway 18* is amended to read:

From Albany, N.Y., LFR; to Glens Falls, N.Y., LF/RBN; southbound, MEA 3,000; northbound, MEA 4,500.

From Glens Falls, N.Y., LF/RBN; to Burlington, Vt., LFR; MEA 4,500.

From Vergennes, Vt., FM; to Burlington, Vt., LFR, northbound only; MEA 2,000.

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From Shelton, Wash., LF/RBN; to Seattle, Wash., LFR; MEA 2,600.

From Ashland INT, Oreg.; to Klamath Falls, Oreg., LFR; MEA 9,500.

From Hondo INT, N. Mex.; to Walker, N. Mex., TVOR; MEA 6,000.

From Dunlap INT, N. Mex.; to Walker, N. Mex., TVOR; MEA 6,000.

From Walker, N. Mex., TVOR; to Ranch INT, N. Mex.; eastbound, MEA 7,000; westbound, MEA 5,000.

From Walker, N. Mex., TVOR; to *Hagerman INT, N. Mex.; southeastbound, MEA 6,000; northwestbound, MEA 5,000. *6,500—MRA.

From Nelson INT, N. Mex.; to Walker, N. Mex., TVOR; MEA 5,000.

Section 610.6001 *VOR Federal airway 1* is amended to read in part:

From Wilmington, N.C., VORTAC via W alter.; to Kinston, N.C., VOR via W alter.; MEA 1,400.

From Kinston, N.C., VOR via W alter.; to Cofield, N.C., VOR via W alter.; MEA *3,500. *1,900—MOCA.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Lansing, Mich., VOR via N alter.; to Fowler INT, Mich., via N alter.; MEA *4,000. *2,900—MOCA.

From Albany, N.Y., VOR; to Griswoldville INT, N.Y.; MEA 5,500.

From Griswoldville INT, N.Y.; to Gardner, Mass., VOR; MEA 3,000.

Section 610.6003 *VOR Federal airway 3* is amended to delete:

From Rancho INT, Fla.; to Krome INT, Fla.; MEA *2,500. *1,300—MOCA.

From Krome INT, Fla.; to Miami, Fla., ILS/LOM; MEA 1,100.

From Miami, Fla., ILS/LOM; to Flagler INT, Fla.; MEA 1,300.

From Flagler INT, Fla.; to *Dania INT, Fla.; MEA 2,000. *2,000—MCA Dania INT, northbound.

From Dania INT, Fla.; to West Palm Beach, Fla., VOR; MEA 2,000.

From Flagler INT, Fla. via E alter.; to West Palm Beach, Fla., VOR, via E alter.; MEA 1,400.

Section 610.6003 *VOR Federal airway 3* is amended by adding:

From Rancho INT, Fla.; to Biscayne Bay, Fla., VOR; MEA 1,300.

From Biscayne Bay, Fla., VOR; to Flagler INT., Fla.; MEA 1,400.

From Flagler INT., Fla.; to Bradley INT., Fla.; MEA 2,000.

From Bradley INT., Fla.; to W. Palm Beach, Fla., VOR; MEA 1,400.

From Biscayne Bay, Fla., VOR via E alter.; to W. Palm Beach, Fla., VOR via E alter.; MEA 1,400.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Glenns Ferry INT, Idaho; to Jerome INT, Idaho; MEA 9,000.

From Jerome INT, Idaho; to Burley, Idaho, VORTAC; MEA 6,000.

From *Burley, Idaho, VORTAC; to Rehn Ranch INT, Idaho; MEA 8,000. *7,000—MCA Burley VORTAC, eastbound.

From *Rehn Ranch INT, Idaho; to Malad City, Idaho, VOR; MEA 11,000. *8,500—MCA Rehn Ranch INT, eastbound.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From Nashville, Tenn., VOR via E alter.; to Austin INT, Ky., via E alter.; MEA *2,300. *2,000—MOCA.

From Austin INT, Ky., via E alter.; to New Hope, Ky., VOR via E alter.; MEA 2,500.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From Oakland, Calif., VORTAC; to Bay Point INT, Calif.; MEA 5,000.

From Bay Point INT, Calif.; to *Rio INT, Calif.; southwestbound, MEA 5,000; northeastbound, MEA 4,000. *4,000—MCA Rio INT, southwestbound.

From Rio INT, Calif.; to Sacramento, Calif., VORTAC; MEA 2,000.

From Oakland, Calif., VORTAC via S alter.; to San Ramon INT, Calif., via S alter.; MEA 4,000.

From San Ramon INT, Calif., via S alter.; to *Altamont INT, Calif., via S alter.; MEA 5,000. *4,000—MCA Altamont INT, westbound.

From *Bear Creek INT, Wyo.; to Albin INT, Wyo.; MEA 10,500. *10,000—MRA.

From Albin INT, Wyo.; to Bushnell INT, Nebr.; eastbound, MEA 8,000; westbound, MEA 8,500.

From *Ogden, Utah, VOR via N alter.; to Blacksmith INT, Utah, via N alter.; MEA **13,000. *11,000—MCA Ogden VOR, northbound. **12,000—MOCA.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From Oakwood INT, Wis., via E alter.; to Milwaukee, Wis., VOR via E alter.; MEA 2,500.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Hector, Calif., VOR; to Clipper INT, Calif.; MEA 9,000.

From St. Thomas, Pa., VOR via S alter.; to Harrisburg, Pa., VOR via S alter.; MEA 5,000.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From Roswell, N.Mex., VOR via S alter.; to Ranch INT, N. Mex., via S alter.; westbound, MEA 7,000; eastbound, MEA 5,000.

From Ranch INT, N. Mex., via S alter.; to *Caprock INT, N. Mex., via S alter.; MEA **7,500. *7,500—MRA. **7,100—MOCA.

From Erie, Pa., VOR; to Dunkirk, N.Y., VOR; MEA 2,900.

From Albany, N.Y., VOR; to Griswoldville INT, N.Y.; MEA 5,500.

From Griswoldville INT, N.Y.; to Gardner, Mass., VOR; MEA 3,000.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From Sioux Falls, S. Dak., VOR via W alter.; to Huron, S. Dak., VOR via W alter.; MEA *3,500. *3,000—MOCA.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From El Paso, Tex., VOR; to *Rio INT, Tex.; MEA 8,000. *8,800—MRA.

From Rio INT, Tex.; to *Salt Flat, Tex., VOR; 8,000. *9,100—MCA Salt Flat VOR, eastbound.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From *Locust Grove INT, Va.; to Nottingham, Md., VOR; MEA 1,500. *2,000—MRA.

From Nottingham, Md., VOR; to Kenton, Del., VOR; MEA 1,500.

Section 610.6017 *VOR Federal airway 17* is amended by adding:

From San Antonio, Tex., VORTAC via E alter.; to Elroy INT, Tex., via E alter.; MEA 2,500.

From Elroy INT, Tex., via E alter.; to Austin, Tex., VORTAC via E alter.; MEA 3,000.

Section 610.6019 *VOR Federal airway 19* is amended to delete:

From Las Vegas, N. Mex., VOR via E alter.; to Raton, N. Mex., VOR via E alter.; MEA 11,000.

From Raton, N. Mex., VOR; to Earl INT, Colo.; MEA 11,000.

From Earl INT, Colo.; to *Haystack INT, Colo.; northbound, MEA 7,500; southbound, MEA 11,000. *7,700—MRA.

From Haystack INT, Colo.; to Pueblo, Colo., VOR; northbound, MEA 7,500; southbound, MEA 11,000.

Section 610.6019 *VOR Federal airway 19* is amended by adding:

From *Las Vegas, N. Mex., VOR; to Cimarron, N. Mex., VOR; MEA 12,000. *10,000—MCA Las Vegas VOR, northbound.

From Cimarron, N. Mex., VOR; to *Border INT, N. Mex., MEA 11,000. *14,000—MRA.

From Border INT, N. Mex.; to Ludlow INT, Colo.; MEA *11,000. *10,000—MOCA.

From Ludlow INT, Colo.; to Gordon INT, Colo.; MEA 10,000.

From Gordon INT, Colo.; to *Pueblo, Colo., VOR; MEA 8,500. *6,500—MCA Pueblo VOR, southbound.

From Cimarron, N. Mex., VOR via E alter.; to *Earl INT, Colo., via E alter.; MEA 11,000. *10,600—MCA Earl INT, southbound.

From Earl INT, Colo., via E alter.; to Rattlesnake INT, Colo., via E alter.; MEA 9,000.

From Rattlesnake INT, Colo., via E alter.; to *Haystack INT, Colo., via E alter.; MEA 7,500. *7,700—MRA.

From Haystack INT, Colo., via E alter.; to *Pueblo, Colo., VOR via E alter.; MEA 7,000. *6,500—MCA Pueblo VOR, southbound.

Section 610.6021 *VOR Federal airway 21* is amended to read in part:

From *Pocatello, Idaho, VOR; to Dubois, Idaho, VOR; MEA 7,500. *9,000—MCA Pocatello VOR, southbound.

From *Dubois, Idaho, VOR; to Dillon, Mont., VORTAC; MEA 12,000. *9,600—MCA Dubois VOR, northbound.

Section 610.6022 *VOR Federal airway 22* is amended to delete:

From *Greenville INT, Fla., via N alter.; to Lee INT, Fla., via N alter.; MEA **2,500. *2,800—MRA. **1,500—MOCA.

From Lee INT, Fla., via N alter.; to Taylor INT, Fla., via N alter.; MA *3,0E00. *1,200—MOCA.

From Taylor INT, Fla., via N alter.; to *Swamp INT, Fla., via N alter.; MEA **4,500. *1,900—MRA. **1,200—MOCA.

From Swamp INT, Fla., via N alter.; to *Toledo INT, Ga., via N alter.; MEA **1,600. *1,900—MRA., **1,200—MOCA.

From Toledo INT, Ga., via N alter.; to Jacksonville, Fla., VOR via N alter.; MEA *1,600. *1,200—MOCA.

Section 610.6022 *VOR Federal airway 22* is amended by adding:

From Taylor, Fla., VOR via N alter.; to *Toledo INT, Ga., via N alter.; MEA 1,300. *1,900—MRA.

From Toledo INT, Ga., via N alter.; to Jacksonville, Fla., VOR via N alter.; MEA 1,300.

Section 610.6022 *VOR Federal airway 22* is amended to read in part:

From Tallahassee, Fla., VOR; to Greenville INT, Fla.; MEA 1,500.

From Greenville INT, Fla.; to Taylor, Fla., VOR; MEA *1,500. *1,200—MOCA.

From Taylor, Fla., VOR; to *Moniac INT, Fla.; MEA 1,300. *4,000—MRA.

From Moniac INT, Fla.; to Jacksonville, Fla., VORTAC; MEA 1,300.

From Marianna, Fla., VOR via N alter.; to Amsterdam INT, Ga., via N alter.; MEA 1,500.

From Amsterdam INT, Ga., via N alter.; to *Calvery INT, Ga., via N alter.; MEA **2,500. *2,500—MRA. **1,900—MOCA.

From Calvery INT, Ga., via N alter.; to *Reno INT, Ga., via N alter.; MEA **2,500. *2,500—MRA. **1,900—MOCA.

From Reno INT, Ga., via N alter.; to Greenville INT, Fla., via N alter.; MEA *4,500. *1,300—MOCA.

Section 610.6023 *VOR Federal airway 23* is amended to read in part:

From Portland, Oreg., VOR; to Toledo INT, Wash.; MEA 5,000.

From Portland, Oreg., VOR via W alter.; to Toledo INT, Wash., via W alter.; MEA 5,000.

Section 610.6024 *VOR Federal airway 24* is amended to read in part:

From Rochester, Minn., via S alter.; to Waukon, Iowa, VOR via S alter.; MEA 2,500.

Section 610.6026 *VOR Federal airway 26* is amended to read in part:

From Pierre, S. Dak., VOR via S alter.; to Stephan INT, S. Dak., via S alter.; MEA *3,400. *3,200—MOCA.

From Stephan INT, S. Dak., via S alter.; to Huron, S. Dak., VOR via S alter.; MEA 3,400.

Section 610.6028 *VOR Federal airway 28* is amended to read in part:

From Oakland, Calif., VORTAC; to San Ramon INT, Calif.; MEA 4,000.

From San Ramon INT, Calif.; to *Altamont INT, Calif.; MEA 5,000. *4,000—MCA Altamont INT, westbound.

Section 610.6042 *VOR Federal airway 42* is amended to read in part:

From Flint, Mich., VOR; to Plains INT, Mich.; MEA 2,400.

Section 610.6053 *VOR Federal airway 53* is amended to read in part:

From *Hilton INT, Va.; to Daley INT, Ky.; MEA **9,500. *9,500—MRA. **6,200—MOCA.

From Daley INT, Ky.; to Vincent INT, Ky.; MEA *6,000. *3,500—MOCA.

Section 610.6062 *VOR Federal airway 62* is amended to read in part:

From Cornville INT, Ariz.; to Rim Rock INT, Ariz.; MEA *12,000. *10,000—MOCA.

From Rim Rock INT, Ariz.; to Milky INT, Ariz.; MEA *12,000. *8,000—MOCA.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From Yuma, Ariz., VOR; to *Growler INT, Ariz.; MEA 4,000. *7,000—MRA.

From Growler INT, Ariz.; to Gila Bend, Ariz., VOR; MEA 4,000.

Section 610.6068 *VOR Federal airway 68* is amended to read in part:

From *Captain INT, N. Mex.; to Hondo INT, N. Mex.; MEA 9,000. *10,500—MRA.

From Hondo INT, N. Mex.; to Roswell, N. Mex., VOR; MEA 6,000.

From Roswell, N. Mex., VOR; to Dexter INT, N. Mex.; MEA 5,000.

From Dexter INT, N. Mex.; to *Hagerman INT, N. Mex.; eastbound, MEA 6,000; westbound, MEA 5,000. *6,500—MRA.

From Corona, N. Mex., VOR via N alter.; to Dunlap INT, N. Mex., via N alter.; MEA 9,000.

From Dunlap INT, N. Mex., via N alter.; to Roswell, N. Mex., VOR via N alter.; MEA 6,000.

Section 610.6072 *VOR Federal airway 72* is amended to read in part:

From Fayetteville, Ark., VOR; to Dogwood, Mo., VOR; MEA 2,700.

Section 610.6081 *VOR Federal airway 81* is amended by adding:

From Dalhart, Tex., VOR via W alter.; to Clayton, N. Mex., VOR via W alter.; MEA 7,000.

From Clayton, N. Mex., VOR via W alter.; to Tobe, Colo., VOR via W alter.; MEA 9,000.

Section 610.6083 *VOR Federal airway 83* is amended to read in part:

From Roswell, N. Mex., VOR; to Hondo INT, N. Mex.; MEA 6,000.

From Hondo INT, N. Mex.; to *Capitan INT, N. Mex.; MEA 9,000. *10,500—MRA.

From Roswell, N. Mex., VOR via E alter.; to Dunlap INT, N. Mex. via E alter.; MEA 6,000.

From Dunlap INT, N. Mex., via E alter.; to Corona, N. Mex., VOR via E alter.; MEA 9,000.

Section 610.6089 *VOR Federal airway 89* is amended to delete:

From Chadron, Nebr., VOR; to Smithwick, S. Dak., VOR; MEA 5,900.

From Smithwick, S. Dak., VOR; to *Fairburn INT, S. Dak.; MEA 4,500. *7,000—MRA.

From Fairburn INT, S. Dak.; to Rapid City, S. Dak., VOR; MEA 4,500.

From Chadron, Nebr., VOR via E alter.; to Rapid City, S. Dak., VOR via E alter:; MEA 5,900.

Section 610.6092 *VOR Federal airway 92* is amended to read in part:

From Wheeling, W. Va., VOR; to Gregory INT, Pa.; MEA 3,000.

From Gregory INT, Pa.; to Grantsville, Md., VOR; MEA 5,000.

Section 610.6094 *VOR Federal airway 94* is amended to read in part:

From Gila Bend, Ariz., VOR; to Casa Grande, Ariz., VOR; MEA 5,000.

Section 610.6099 *VOR Federal airway 99* is amended to read in part:

From Newport, Oreg., VOR; to Newberg, Oreg., VOR; MEA 6,000.

Section 610.6102 *VOR Federal airway 102* is amended to read in part:

From Roswell, N. Mex., VOR; to Ranch INT; N. Mex.; westbound, MEA 7,000; eastbound, MEA 5,000.

From Ranch INT, N. Mex.; to *Caprock, INT, N. Mex.; MEA **7,500. *7,500—MRA. **7,100—MOCA.

Section 610.6105 *VOR Federal airway 105* is amended to read in part:

From Mt. Hope INT, Ariz.; to *Red Lake INT, Ariz.; MEA 12,000. *10,000—MRA.

From Red Lake INT, Ariz.; to *White Hills INT, Ariz.; MEA 10,000. *8,300—MCA White Hills INT, southeastbound.

Section 610.6106 *VOR Federal airway 106* is amended to read in part:

From Johnstown, Pa., VOR; to Huntingdon INT, Pa.; MEA 4,500.

From Huntingdon INT, Pa.; to Reedsville INT, Pa.; MEA *5,000. *4,500—MOCA.

From Reedsville INT, Pa.; to Selinsgrove, Pa., VOR; MEA *8,000. *4,500—MOCA.

Section 610.6107 *VOR Federal airway 107* is amended to read in part:

From *Reyes INT, Calif.; to **Sunset INT, Calif.; MEA ***15,000. *13,000—MCA Reyes INT, northwestbound. **15,000—MCA Sunset INT, southeastbound. ***9,500—MOCA.

From Sunset INT, Calif.; to Avenal, Calif., VOR; northbound; MEA *8,000. Southbound; MEA *11,000. *6,000—MOCA.

Section 610.6108 *VOR Federal airway 108* is amended to read in part:

From Linden, Calif., VOR; to *Big Trees INT, Calif.; MEA 14,000. *16,000—MRA.
From *Delta, Utah, VOR; to Manti INT, Utah; MEA **17,000. *11,000—MCA Delta VOR, eastbound. **12,000—MOCA.
From Manti INT, Utah; to Grand Junction, Colo., VOR; MEA *18,000. *13,000—MOCA.
From Mina, Nev., VOR; to Currant, Nev., VOR; MEA 13,000.

Section 610.6109 *VOR Federal airway 109* is amended to read in part:

From *Altamont INT, Calif.; to San Ramon INT, Calif.; MEA 5,000. *4,000—MCA Altamont INT, westbound.
From San Ramon INT, Calif.; to Oakland, Calif., VORTAC; MEA 4,000.

Section 610.6120 *VOR Federal airway 120* is amended by adding:

From Miles City, Mont., VOR; to Dupree, S. Dak., VOR; MEA *9,500. *4,700—MOCA.
From Dupree, S. Dak., VOR; to Pierre, S. Dak., VOR; MEA 3,500.
From Pierre, S. Dak., VOR; to Stephan INT, S. Dak.; MEA *3,400. *3,200—MOCA.
From Stephan INT, S. Dak.; to Canova INT, S. Dak.; MEA *5,800. *3,200—MOCA.
From Canova INT., S. Dak.; to Sioux Falls, S. Dak., VOR; MEA *3,500. *3,000—MOCA.
From Sioux Falls, S. Dak., VOR; to Mason City, Iowa, VOR; MEA *6,000. *2,800—MOCA.

Section 610.6133 *VOR Federal airway 133* is amended to read in part:

From Salem, Mich., VOR; to Russell INT, Mich.; MEA 2,600.

Section 610.6137 *VOR Federal airway 137* is amended to read in part:

From *Gorman, Calif., VOR; to **Sunset INT, Calif.; MEA ***14,000. *10,500—MCA Gorman VOR, northwestbound. **14,000—MCA Sunset INT, southeastbound. ***11,000—MOCA.
From Sunset INT, Calif.; to Avenal, Calif., VOR; northbound; MEA *8,000. Southbound; MEA *11,000. *6,000—MOCA.
From *Los Banos, Calif., VOR; to **Reception INT, Calif.; MEA 6,000. *5,500—MCA Los Banos VOR, southbound. **8,500—MRA.
From Reception INT, Calif.; to Salinas, Calif., VOR; MEA 6,000.

Section 610.6157 *VOR Federal airway 157* is amended to read in part:

From Gainesville, Fla.; to *Lulu INT, Fla.; MEA 1,400. *2,000—MRA.
From Lulu INT, Fla.; to Taylor, Fla., VOR; MEA 1,400.
From Taylor, Fla., VOR; to Alma, Ga., VOR; MEA *2,000. *1,300—MOCA.

Section 610.6159 *VOR Federal airway 159* is amended to read in part:

From Gainesville, Fla., VOR; to Greenville INT, Fla.; MEA *5,500. *1,500—MOCA.
From Greenville INT, Fla.; to Quitman INT, Ga.; MEA *4,500. *1,300—MOCA.
From Cross City, Fla., VOR via W alter.; to Greenville INT, Fla., via W alter.; MEA *2,800. *1,200—MOCA.
From Greenville INT, Fla., via W alter.; to Quitman INT, Ga., via W alter.; MEA *4,500. *1,300—MOCA.
From *Dixie Ranch INT, Fla., via W alter.; to Bailey INT, Fla., via W alter.; MEA **1,500. *1,500—MRA. **1,200—MOCA.
From Bailey INT, Fla., via W alter.; to Orlando, Fla., VOR via W alter.; MEA *1,500. *1,300—MOCA.

Section 610.6162 *VOR Federal airway 162* is amended to read in part:

From St. Thomas, Pa., VOR; to Harrisburg, Pa., VOR; MEA 5,000.

Section 610.6187 *VOR Federal airway 187* is amended to read in part:

From Rock Springs, Wyo., VORTAC; to *Hudson INT, Wyo.; MEA 10,000. *13,000—MRA.

Section 610.6171 *VOR Federal airway 171* is amended to read in part:

From Nodine, Minn., VOR; to Elba INT, Minn.; MEA 2,800.
From Elba INT, Minn.; to Goodhue INT; MEA *3,800. *2,200—MOCA.
From Goodhue INT, Minn.; to Farmington, Minn., VOR; MEA 2,200.

Section 610.6187 *VOR Federal airway 187* is amended to read in part:

From Dove Creek, Colo., VOR via W alter.; to Grand Junction, Colo., VOR via W alter.; MEA 12,000.
From *Grand Junction; to Yampa INT, Colo.; MEA 13,000. *12,000—MCA Grand Junction VOR, southbound.
From *Yampa INT, Colo.; to Rock Springs, Wyo., VOR; MEA 13,000. *13,000—MCA Yampa INT, northbound.

Section 610.6188 *VOR Federal airway 188* is amended to read in part:

From Slate Run, Pa., VOR; to Williamsport, Pa., VOR; MEA 4,000.

Section 610.6189 *VOR Federal airway 189* is amended by adding:

From Franklin, Va., VOR; to Hopewell, Va., VORTAC; MEA 1,500.

Section 610.6190 *VOR Federal airway 190* is amended to read in part:

From Las Vegas, N. Mex., VOR; to *Hayden INT, N. Mex.; MEA **9,500. *7,500—MCA Hayden INT, westbound. **9,000—MOCA.
From Hayden INT, N. Mex.; to Derby INT, N. Mex., MEA 7,000.

Section 610.6191 *VOR Federal airway 191* is amended to read in part:

From Oakwood INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,500.

Section 610.6194 *VOR Federal airway 194* is amended to read in part:

From McComb, Miss., VOR; to *Olive INT, Miss.; MEA 1,800. *2,000—MRA.
From Olive INT, Miss.; to *Rose Hill INT, Miss.; MEA 1,800. *3,000—MRA.

Section 610.6197 *VOR Federal airway 197* is deleted.

Section 610.6214 *VOR Federal airway 214* is amended to read in part:

From Zanesville, Ohio, VOR; to Bellaire, Ohio, VOR; MEA 2,500.

Section 610.6216 *VOR Federal airway 216* is amended by adding:

From Hill City, Kans., VOR via N alter.; to Mankato, Kans., VOR via N alter.; MEA 3,500.
From Mankato, Kans., VOR via S alter.; to Pawnee City, Nebr., VOR via S alter.; MEA, 3,000.

Section 610.6218 *VOR Federal airway 218* is amended to read in part:

From Rochester, Minn., VOR; to Waukon, Iowa, VOR; MEA 2,500.
From Lansing, Mich., VOR; to Plains INT, Mich.; MEA 2,900.

Section 610.6222 *VOR Federal airway 222* is amended to read in part:

From El Paso, Tex., VOR; to *Rio INT, Tex.; MEA 8,000. *8,800—MRA.
From Rio INT, Tex.; to Salt Flat, Tex., VOR; MEA 8,000.

Section 610.6230 *VOR Federal airway 230* is amended to read in part:

From Salinas, Calif., VOR; to *Reception INT, Calif.; MEA 6,000. *8,500—MRA.
From Reception INT, Calif.; to Los Banos, Calif., VOR; MEA 6,000.

Section 610.6244 *VOR Federal airway 244* is amended to read in part:

From Oakland, Calif., VORTAC; to San Ramon INT, Calif.; MEA 4,000.
From San Ramon, INT, Calif.; to *Altamont INT, Calif.; MEA 5,000. *4,000—MCA Altamont INT, westbound.

Section 610.6244 *VOR Federal airway 244* is amended by adding:

From Pueblo, Colo., VOR; to Lamar, Colo., VOR; MEA 6,000.
From Lamar, Colo., VOR; to Tuttle INT, Kans.; MEA 5,500.
From Tuttle INT, Kans.; to *Modoc INT, Kans.; MEA **7,000. *7,000—MRA. **5,500—MOCA.
From Modoc INT, Kans.; to Ransom INT, Kans.; MEA **9,500. *9,700—MRA. **5,500—MOCA.
From Ransom INT, Kans.; to Russell, Kans., VOR; MEA 5,500.

Section 610.6248 *VOR Federal airway 248* is amended to read in part:

From Paso Robles, Calif., VOR; to *Red Hills, INT, Calif.; MEA 4,500. *7,000—MRA.
From Red Hills INT, Calif.; to Avenal, Calif., VOR; MEA 4,500.

Section 610.6253 *VOR Federal airway 253* is amended to read in part:

From *Twin Falls, Idaho; to Buhl INT, Idaho; MEA 6,000. *9,000—MCA Twin Falls VOR, southeastbound.
From Buhl INT, Idaho; to Boise, Idaho, VOR; MEA 8,500.
From Mountain Home, Idaho, FM; to Boise, Idaho, VOR, northwestbound only; MEA 7,600.

Section 610.6257 *VOR Federal airway 257* is amended to read in part:

From *Dubois, Idaho, VOR; to Dillon, Mont., VORTAC; MEA 12,000. *9,600—MCA Dubois VOR, northbound.

Section 610.6260 *VOR Federal airway 260* is amended by adding:

From Richmond, Va., VOR; to Hopewell, Va., VORTAC; MEA 1,500.
From Hopewell, Va., VORTAC; to Deep Creek INT, Va.; MEA 2,100.

Section 610.6263 *VOR Federal airway 263* is amended by adding:

From *Santa Fe, N. Mex., VORTAC; to **Cimarron, N. Mex., VOR; MEA 15,500. *13,000—MCA Santa Fe VORTAC, northeastbound. **12,000—MCA Cimarron VOR, southwestbound.
From Cimarron, N. Mex., VOR; to *Tobe, Colo., VORTAC; MEA 11,000. *8,000—MCA Tobe VORTAC, southwestbound.
From Tobe, Colo., VORTAC; to Lamar, Colo., VOR; MEA 7,000.

Section 610.6267 *VOR Federal airway 267* is amended to read in part:

From *Dixie Ranch INT, Fla.; to Bailey INT, Fla.; MEA **1,500. *1,500—MRA. **1,200—MOCA.

From Bailey INT, Fla.; to Orlando, Fla., VOR; MEA *1,500. *1,300—MOCA.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From El Paso, Tex., VOR; to *Rio INT, Tex.; MEA 8,000. *8,800—MRA.
From Rio INT, Tex.; to Pinon, N. Mex., VOR; MEA 8,800.
From Roswell, N. Mex., VOR; to Ranch INT, N. Mex.; westbound, MEA 7,000; eastbound, MEA 5,000.
Ranch INT, N. Mex.; to *Caprock INT, N. Mex.; MEA **7,500. *7,500—MRA. **7,100—MOCA.

Section 610.6293 *VOR Federal airway 293* is amended by adding:

From W. Palm Beach, Fla., VORTAC via W alter.; to *Clewiston INT, Fla., via W alter.; MEA **1,700. *7,000—MRA. **1,300—MOCA.
From Clewiston INT, Fla., via W alter.; to La Belle, Fla., VOR via W alter.; MEA *1,700. *1,200—MOCA.

Section 610.6300 *VOR Federal airway 300* is amended by adding:

From Sherbrooke, Que. VOR; to Millinocket, Maine, VOR; MEA #5,100. #For that airspace over U.S. territory.

Section 610.6307 *VOR Federal airway 307* is added to read:

From Victoria, B.C.; to Vancouver, B.C., VOR; MEA *2,000. *For that airspace over U.S. territory.

Section 610.6442 *VOR Federal airway 442* is amended to read in part:

From Hector, Calif., VOR; to Clipper INT, Calif.; MEA 9,000.

Section 610.6452 *VOR Federal airway 452* is deleted.

Section 610.6474 *VOR Federal airway 474* is amended to read in part:

From St. Thomas, Pa., VOR; to York Springs INT, Pa.; MEA 5,000.

Section 610.6479 *VOR Federal airway 479* is added to read:

From Wind Lake INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,500.

Section 610.6482 *VOR Federal airway 482* is added to read:

From Las Vegas, N. Mex., VOR; to *Yates INT, N. Mex.; MEA 9,000. *9,500—MRA.
From Yates INT, N. Mex., to Clayton, N. Mex., VOR; MEA 9,000.
From Clayton, N. Mex., VOR; to Liberal, Kans., VOR; MEA 7,000.

Section 610.6485 *VOR Federal airway 485* is added to read:

From *Oxnard, Calif., VOR; to Fellows, Calif., VOR; MEA 9,000. *6,000—MCA Oxnard VOR, northwestbound.
From Fellows, Calif., VOR; to *Red Hills INT, Calif.; MEA 7,000. *7,000—MRA.
From Red Hills INT, Calif.; to Priest, Calif., VOR; MEA 7,000.
From Priest, Calif., VOR; to *Reception INT, Calif., MEA **8,500. *8,500—MRA. **7,000—MOCA.
From Reception INT, Calif.; to *Cathedral INT, Calif.; MEA **8,500. *8,500—MCA Cathedral INT, southeastbound. **7,000—MOCA.
From Cathedral INT, Calif.; to Mt. Hamilton INT, Calif.; MEA 7,000.
From Mt. Hamilton INT, Calif.; to Mt. Day INT, Calif.; southbound, MEA 7,000; northbound, MEA 6,000.
From Mt. Day INT, Calif.; to Mission INT, Calif; southbound, MEA 7,000; northbound, MEA 5,000.
From Mission INT, Calif.; to Oakland, Calif., VORTAC; southeastbound, MEA 7,000; northwestbound, MEA 3,500.

Section 610.6604 *VOR Federal airway 1504* is amended to read in part:

From *Big Piney, Wyo., VOR; to **Hudson INT, Wyo.; MEA 16,000. *12,500—MCA Big Piney VOR, westbound. **13,000—MRA. **13,000—MCA Hudson INT, westbound.
From Hudson INT, Wyo.; to Casper, Wyo., VOR; MEA *13,000. *10,000—MOCA.
From Wheeling, W. Va., VOR; to Gregory INT, Pa.; MEA 3,000.
From Gregory INT, Pa.; to Grantsville, Md., VOR; MEA 5,000.

Section 610.6606 *VOR Federal airway 1506* is amended to read in part:

From Oakland, Calif., VORTAC; to San Ramon INT, Calif.; MEA 4,000.
From San Ramon INT, Calif.; to *Altamont INT, Calif.; MEA 5,000. *4,000—MCA Altamont INT, westbound.

Section 610.6608 *VOR Federal airway 1508* is amended to read in part:

From Kanosh INT, Utah; to Manti INT, Utah; MEA *21,000. *13,000—MOCA.
From Myton, Utah, VOR; to Yampa INT, Colo.; MEA 11,000.
From *Yampa INT, Colo.; to Albany INT, Wyo.; MEA **#18,000. *13,000—MCA Yampa INT, eastbound. **14,000—MOCA. #Continuous navigation signal coverage does not exist over the entire route segment below 21,000 feet.
From Slate Run, Pa., VOR; to Williamsport, Pa., VOR; MEA 4,000.

Section 610.6612 *VOR Federal airway 1512* is amended to read in part:

From *Alamosa, Colo., VOR; to **Gordon, Colo., VOR; MEA 15,000. *14,000—MCA Alamosa VOR, eastbound. **12,000—MCA Gordon VOR, westbound.
From Johnstown, Pa., VOR; to Huntingdon INT, Pa.; MEA 4,500.
From Huntingdon INT, Pa.; to Reedsville INT, Pa.; MEA *5,000. *4,500—MOCA.
From Reedsville INT, Pa.; to Selinsgrove, Pa., VOR; MEA *8,000. *4,500—MOCA.

Section 610.6614 *VOR Federal airway 1514* is amended to read in part:

From *Hanksville, Utah, VOR; to La Sal, Utah, VOR; MEA 12,000. *11,000—MCA Hanksville VOR, westbound.
From La Sal, Utah, VOR; to Bedrock INT, Utah; MEA 12,000.
From Bedrock INT, Utah; to Gunnison, Colo., VOR; MEA 14,000.

Section 610.6616 *VOR Federal airway 1516* is amended to read in part:

From Tobe, Colo., VOR; to State Line INT, Kans.; MEA *8,500. *7,300—MOCA.

Section 610.6618 *VOR Federal airway 1518* is amended to read in part:

From Hector, Calif., VOR; to Clipper INT, Calif.; MEA 9,000.

Section 610.6620 *VOR Federal airway 1520* is amended to read in part:

From Hector, Calif., VOR; to Clipper INT, Calif.; MEA 9,000.

Section 610.6629 *VOR Federal airway 1529* is amended to read in part:

From Kanosh INT, Utah; to Manti INT, Utah; MEA *21,000. *13,000—MOCA.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a) 1348(c))

These rules shall become effective August 25, 1960.

Issued in Washington, D.C., on July 28, 1960.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 60-7207; Filed, Aug. 5, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7608 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Herbert Leivent et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Herbert Leivent et al. trading as Stuyvesant Sportswear Co., Brooklyn, N.Y., Docket 7608, June 21, 1960]

In the Matter of Herbert Leivent and Abraham Leivent, Individually and as Co-Partners Trading as Stuyvesant Sportswear Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging Brooklyn, N.Y., manufacturers with violating the Wool Products Labeling Act by such practices as labeling girls' coats falsely as "ALL WOOL", and by failing to set forth separately on labels, etc., the fiber content of interlinings.

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on June 21 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Herbert Leivent and Abraham Leivent, individually and as co-partners trading as Stuyvesant Sportswear Co., or under any other name, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of girls' coats or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding their products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying

such products as to character or amount of the constituent fibers included therein.

2. Failing to securely affix or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers:

(b) The maximum percentage of the total weight of such wool products of any non-fibrous loading, filling, or adulterating matter.

3. Failing to separately set forth on the required stamp, tag, label or other mark of identification the character and amount of constituent fibers contained in the interlinings of the said wool products in violation of Rule 24 of the aforesaid rules and regulations.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 21, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-7334; Filed, Aug. 5, 1960; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Extension of Effective Date of Public Law 86-139 as It Affects Section 408 of the Federal Food, Drug, and Cosmetic Act

Under the authority provided in Public Law 86-139 (73 Stat. 388, 7 U.S.C. 135 et seq.), the Commissioner of Food and Drugs has extended the effective date of this statute as it affects section 408 of the Federal Food, Drug, and Cosmetic Act for certain specified uses of nematocides, plant regulators, defoilants, or desiccants (25 F.R. 2836, 25 F.R. 3351, 25 F.R. 5878). The lists previously published in § 120.35 are hereby amended by adding thereto the following new item:

§ 120.35 **Extension of effective date of Public Law 86-139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act.**

* * * * *

Arsenic acid	On cotton as desiccant and defoilant.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Nematocide, Plant Regulator, Defoilant, and Desiccant Amendment of 1959 were contemplated by the statute as a relief of restrictions on the agricultural industry.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371(a). Applies sec. 3(b), Public Law 86-139 (73 Stat. 288; 7 U.S.C. 135 et seq.)

Dated: August 3, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-7379; Filed, Aug. 5, 1960; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2103]

[979813]

CALIFORNIA

Opening Lands Subject to Section 24 of Federal Power Act

Correction

In F.R. Doc. 60-4873, appearing at page 4811 of the issue for Wednesday, June 1, 1960: In the second line under "T. 10 N., R. 18 E.,", in the land description under item 1, that portion reading "NW¼" should read "NE¼". As corrected, the line should read "Sec. 19, lots 1 and 9, NE¼NE¼, E½SE¼, SW¼SE¼, and SE¼SW¼;".

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR LEMONS [1]

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the amendment of United States Standards for Lemons (7 CFR 51.2795 to 51.2819) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Amendments to the Agricultural Codes of the States of Arizona and California have changed the counts and average diameters of lemons packed in cartons. To conform United States Standards to these changes it is proposed to amend the definition of "fairly uniform in size" by substituting "165 carton count" for "150 carton count" in § 51.2802(c).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed amendment should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than 10 days after publication hereof in the FEDERAL REGISTER.

As amended, § 51.2802(c) will read as follows:

(c) "Fairly uniform in size" means that when lemons are packed for 165 carton count or smaller size, or equivalent sizes when packed in other containers, not less than 90 percent, by count, of the lemons in any container shall be within a diameter range of four-sixteenths inch; when packed for sizes larger than 165 carton count, or equivalent sizes packed in other containers, not less than 90 percent, by count, of the lemons in any container shall be within a diameter range of six-sixteenths inch.

Dated: June 3, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 60-7344; Filed, Aug. 5, 1960; 8:49 a.m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

[7 CFR Part 1032]

[AO-321]

CARROTS GROWN IN SOUTH TEXAS

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed Marketing Agreement No. 142 and Order No. 132, hereinafter referred to as the "marketing agreement and order", regulating the handling of carrots grown in designated counties of South Texas, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter called the "Act." Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than the close of business on the 15th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on the record of which the proposed marketing agreement and order were formulated was held at Edinburg, Texas, on May 31–June 1, 1960, pursuant to notice thereof which was published May 13, 1960, in the FEDERAL REGISTER (25 F.R. 4285). Such notice set forth the proposed marketing agreement and order which were sponsored by growers and shippers in South Texas, as represented by the South Texas Carrot Committee, supported by the Valley Farm Bureau and the Texas Citrus and Vegetable Growers and Shippers Association.

Material issues. Material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the Act;

(3) The definition of the commodity and determination of the production area to be affected by the marketing agreement and order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the marketing agreement and order including:

(a) Definitions and terms used therein which are necessary and incidental to attain the declared objectives of the Act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and conditions;

(b) The establishment, maintenance, composition, powers, duties and operation of a committee which shall be the administrative agency for assisting the Secretary in the administration of the program.

(c) The authority to incur expenses and to levy assessments on shipments;

(d) The authority for the establishment of research and development projects;

(e) The methods for limiting the handling of carrots grown in the production area;

(f) The methods for establishing minimum standards of quality and maturity;

(g) The methods for authorizing special regulations applicable to the handling of carrots for specified purposes or to specified outlets under special regulations that are modifications of, or amendments to, grade, size, quality, regulations;

(h) The necessity for inspection and certification of shipments;

(i) The procedure for establishing reporting requirements upon handlers;

(j) The requirements of compliance of all provisions of the marketing agreement and order and regulations issued pursuant thereto;

(k) Additional terms and conditions as set forth in §§ 1032.82 through 1032.95 and published in the FEDERAL REGISTER (25 F.R. 4285) on May 13, 1960, which are common to marketing agreements and orders.

Findings and conclusions. Findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) The South Texas production area, as that term is defined in the marketing agreement and order and as hereinafter used, is an important carrot producing area of the United States. It includes the sections commonly referred to as the Lower Rio Grande Valley, Coastal Bend, Winter Garden, Laredo, and the remaining important winter crop producing sections in South Texas. Carrots are grown in the production area primarily for the fresh market. The South Texas carrot crop is considered a winter crop deal, that is, carrots are usually marketed from late November through early May.

The great bulk of carrots grown in the production area is marketed outside of the production area with 85 to 90 percent moving in interstate commerce. In 1959, Texas carrots were distributed in 68 of

the 100 principal cities in the United States, and five Canadian cities reporting carlot unloads. These cities were located in 29 different states, the District of Columbia, and Canada. Unloads of Texas carrots are officially reported for Dallas, Fort Worth, Houston, and San Antonio, Texas. Representative handlers of Texas carrots reported that approximately 90 percent of their shipments were in interstate commerce and the balance were sold within the State. Markets within the State of Texas, principally San Antonio, Houston, Corpus Christi, and Dallas, are important outlets for South Texas carrots. South Texas carrots are distributed extensively in the Southeastern States, the Atlantic coast, and the midwest. Eastern Canadian markets are important outlets.

In many cases shipments originally destined for markets within Texas are sold in nearby states. For example, it was testified by handlers that carrots may be shipped to Houston or San Antonio, which are important market points and buyers from nearby states obtain their supplies from these distribution terminals for sale in Louisiana and Oklahoma. Another handler's firm operates a storage and repacking facility in Dallas which distributes carrots from the production area as well as carrots from Arizona, California, and the Hereford section in the Texas Panhandle. At times during the South Texas marketing season, particularly in the fall and late spring, carrots from Arizona, California, and Hereford are being handled in this facility at the same time. Furthermore, the firm sells carrots the year round under the same brand irrespective of origin. In addition, chain stores operating in the production area may have facilities outside of the production area which receive carrots from the production area which are later sold in stores located within such area.

As previously mentioned, carrots from shipping points outside the State of Texas such as Arizona and California are transported and sold in the current of interstate commerce within Texas, such as Dallas, Fort Worth, and Houston, and within the production area such as San Antonio and Corpus Christi. South Texas carrots compete directly with these other carrots then being marketed by burdening the total supply of carrots in these markets, and in turn being burdened by the overall supply. Market prices, including shipping point prices for South Texas carrots, are affected by supplies from competing areas and in turn prices in competing areas are affected by supplies from South Texas production area.

Growers and handlers of South Texas carrots maintain close communication with important areas of distribution. Prices at shipping point and at terminals tend to move together around average price levels each day. Factors affecting supplies at shipping point are soon reflected in prices both at shipping point and receiving markets outside the production area. Also, shifts and supplies at terminals, either in quantity or quality on hand or which will be available, affect prices at terminals and such changes in prices are soon reflected in the offerings and bids between buyers and sellers. The result, in sales prices, are inevitably reflected in prices to growers in the production area. Prices at which carrots are sold by handlers in the production area are directly related by close tie-in with prices for carrots in receiving markets outside the production area.

On the basis of the facts as herein found, it is determined that all handlings of carrots grown in the production area whether for distribution outside of such production area or within such production area are in the current of interstate or foreign commerce or directly burden, obstruct, or affect such commerce. The right to exercise Federal jurisdiction with respect to the marketing agreement and order for South Texas carrots, as hereinafter set forth, is therefore established.

(2) During the 1954–60 period the farm value of winter crop Texas carrots for fresh market ranged from 2.4 million dollars to 5.3 million dollars and averaged slightly less than 4 million dollars. The season average farm price of Texas winter crop carrots during the period 1954–59 ranged from a low of $1.00 per hundredweight in 1957 to a high of $1.90 in 1954. Based upon the prices for 1960 crop Texas carrots (Ex. 6) season average farm prices for the 1960 season should average much lower, probably around 60–65 cents per hundredweight, or 30–35 percent of the parity equivalent. These prices represent a range of about 53 to 100 percent of the Texas parity equivalent for winter crop carrots, returning less than parity six of the seven years and 100 percent of parity in the remaining year. That the 1960 crop season average price was well below Texas parity was proven in fact by record testimony of both growers and handlers. Handlers testified with respect to average prices they received on representative days during the 1960 and other seasons. These records show during most of the shipping season f.o.b. prices received were in the range of $1.50 to $2.00 for 48 1-pound cello packs and when f.o.b. prices fall below $1.50 per 48 pound unit the grower receives no return. In addition, the grower loses his production costs.

Acreage during the period 1954 through 1960 ranged from a low of 19.5 thousand acres to a high of 29 thousand acres while yields ranged from 95 to 160 hundredweight per acre.

According to testimony introduced at the hearing by growers and handlers, growers are in need of the type of assistance offered by the marketing agreement and order. Returns to growers for carrots have been extremely low especially during the 1960 season. An example was given of the growers' plight where the cello or film package in which carrots are packed costs more than the growers receive for the carrots contained therein. Another example was that it took one truckload of carrots to buy a newspaper for one year. The two principal reasons given for the growers' troubles were (1) and over-supply of carrots in most seasons, and (2) lack of standardization with respect to shipments. According to data contained in Exhibit 6, carlot shipments of winter crop carrots increased substantially in January 1960. Prices declined and remained fairly stable at low levels through the following three to four months when weekly carlot shipments for all winter crop areas were averaging about 300 cars per week. Experienced handler witnesses substantiated these data with price information taken from their records.

It was testified that many South Texas carrots are shipped without inspection and are not packed to meet any particular U.S. grade. Handlers simply quote their product as "carrots". It was testified further that these shipments were probably U.S. No. 2's or unclassifieds. No recognized standard for quoting prices is used and receivers are not sure of the grade, size, or quality they will get.

Testimony indicated that California carrots shipped during the same period as South Texas carrots return premium prices over those received for Texas carrots because of the better quality of the California commodity. One handler who handles both Texas and California carrots testified that he found this situation to be true and accurate but with proper controls the quality of the product shipped from Texas could be improved to the point of restoring the confidence of the Texas carrot buyers. He further testified that the basic quality of Texas carrots was the same as for California carrots but abuses in shipping practices accounted for the differences in the quality shipped. The same variety of carrots is grown for fresh market both in Texas and California.

The size of carrots also has influence on price. The most desirable size for fresh market is the medium-to-large size. The small-to-medium carrots are usually discounted approximately 25 cents for 48 1-pound cello bags and with few exceptions these small-to-medium carrots on the market have an adverse effect upon prices received for the medium-to-large size.

Cotton is the stable crop in South Texas. Most Texas growers rely heavily on cotton for stabilizing their farm income. Because of the importance of the cotton crop many carrot growers, as the deadline in cotton planting approaches, pull their carrots in order to clear land for cotton planting. This practice results in market gluts and reduced prices to growers, because the grower has to clear his land and is willing to sell his carrots at reduced prices to be rid of them. It was testified that the marketing agreement and order program would not eliminate this practice, however, it would have an influence on the quality of carrots offered and on the volume offered during this period prior to cotton planting, both of which would result in more stabilized prices to growers.

All relevant testimony relating to grower prices for South Texas carrots establishes that prices directly reflect the volume of supply and the quality of such supply. Daily price levels for carrots are established by their impact on the market which in turn establishes prices to individual growers by relating such levels to grade and size composition of lots of

carrots being delivered or sold to handlers.

There is a need for the marketing agreement and order to help growers and handlers in the South Texas production area prevent the sale and transportation of off-color, unclassified and off-size carrots which have an adverse and depressing effect on the price farmers receive for better grades of carrots. South Texas carrot growers and shippers have no other adequate means of helping to promote and improve marketing conditions for the carrot crop through quality, grade and size controls which will allow them to keep price depressing off-qualities and sizes off the market.

The relationship of season average prices received by growers of winter crop Texas carrots has been below parity during the last six seasons, so the need for assistance of the type which the marketing agreement and order may provide is apparent and substantial. In addition, there is a need for promoting more orderly marketing conditions to eliminate abuses in the sale of off-grade or off-size carrots. Consequently, it is found and concluded that there is a need for a program. Also, it is found that there is a need for the terms and conditions of the marketing order as set forth below in order to enable the industry to eliminate some of the serious marketing problems with which it is confronted, and to promote more orderly marketing conditions for South Texas carrots.

(3) The vegetable commonly known as "carrots" is a well known leading vegetable, commonly recognized by growers and handlers within the production area. It is important to the economy of the South Texas production area as a winter and early spring crop vegetable. Carrots are readily recognized as an important product of commerce within the South Texas production area as well as commerce between South Texas and points outside thereof. The term carrots as used in the marketing agreement and order means all varieties of the edible vegetable Daucus Carota, commonly known as carrots. The definition set forth in the marketing agreement and order refers to all carrots grown within the production area and provides a basis for identifying the agricultural commodity for which regulation is authorized.

"Production Area" is defined to include all the territory in the Counties of Pecos, Terrell, Reeves, Val Verde, Kinney, Uvalde, Medina, Bexar, Wilson, Karnes, Goliad, Victoria, Calhoun, Maverick, Zavala, Frio, Atascosa, Dimmit, La Salle, McMullen, Live Oak, Bee, Refugio, Webb, Duval, Jim Wells, San Patrico, Nueces, Zapata, Jim Hogg, Brooks, Kenedy, Kleberg, Starr, Comal, Hays, Bastrop, Caldwell, Guadalupe, Gonzales, Payette, Colorado, Lavaca, Aransas, De Witt, Jackson, Wharton, Matagorda, Hidalgo, Willacy, and Cameron, in the State of Texas. This area is a contiguous area and comprises the carrot producing sections of South Texas. The only other principal carrot producing section of Texas is in the panhandle around Hereford. However, Texas carrots grown in the Hereford area are usually marketed before those grown in South Texas. Growing conditions are similar in all sections of the production area. Those counties now producing carrots in South Texas or adjoining counties which may have produced carrots in the past and could very well produce carrots in the future are included in the South Texas production area. The production area includes the principal producing sections commonly known as the Lower Rio Grande Valley, Coastal Bend, the Winter Garden, Laredo, and Pecos areas. Each section included within the production area produces and ships carrots during the same period except that some sections' marketing seasons, such as the Lower Rio Grande Valley and the Winter Garden, may be longer than for the other producing sections.

Minor variations in practices, methods of production, harvesting, and marketing may occur between counties, nevertheless grade and quality standards for commercial sales are the same throughout the production area. Since carrots are a commodity which must move through a packing facility prior to moving to terminal markets and because setting up a packing line is relatively expensive, all carrots grown in the production area are siphoned through relatively few marketing outlets or facilities where they are washed, graded, sized, and packed in the various containers used. Carrots from all portions of the production area, as well as carrots from other producing sections of the United States, may be moved in field sacks over considerable distances to be prepared for market in the packing facilities of the production area. For example, Pecos County carrots in the extreme western portion of the production area are packed in Carrizo Springs or Uvalde according to testimony. The great bulk of the carrots grown in the production area is packed for fresh market outlets at shipping point however, some are just washed and rough graded and then shipped to repacking plants outside the production area for final grading, sizing, and packaging.

The production area is commonly recognized as a separate distinct production area for carrots by growers and handlers operating within the production area also by the trade in terminal markets. It is distinct from the other carrot producing section in Texas (Hereford), and separated geographically from that section by ranching country or land suitable for other types of agriculture. The production area includes what is known locally as the Rio Grande plains of Texas which is considered a highly productive agricultural region of the State. The area is roughly triangular in shape with the natural boundary of the Gulf of Mexico on one side, the Rio Grande River (the international border) on another, and ranching country to the north. Customary recognition of the South Texas region as a production area for carrots provides a proper basis for the production area. There is no reasonable method or basis for dividing the production area into two or more areas for purposes of separate marketing agreements and orders. All territory included within the boundaries of the production area constitutes the smallest regional production area that is practicable and consistent with carrying out the policy of the Act. Accordingly, the production area should be defined as including all of the area within the 51 counties, as hereinafter set forth in the proposed marketing agreement and order.

(4) "Handler" and "shipper" are synonymous and mean those persons who handle carrots in the manner described and set forth in the definition of "handle". The persons who are subject to the regulations and upon whom rests the obligation of complying with regulations authorized by the marketing agreement and order are identified and established under the definition of handler. Any person who is engaged in the act or acts of handling carrots grown in the production area or who causes such carrots to be handled is a handler. The responsibility for handling may involve more than one person in that the person who makes a sale of carrots may be a handler and in turn any other person who transports South Texas carrots in the current of commerce within the production area or between the production area and any point outside thereof also is a handler. Each party is subject to the definition of handler and is responsible for complying with regulations issued under the marketing agreement and order.

A common or contract carrier transporting carrots which are owned by another person is performing a handling function. Such handling however should be exempted from under the program since such carriers are not responsible for the grade, size, quality or pack of the carrots being transported. Neither are they the persons who cause the introduction of such carrots in the stream of commerce. The only interest of common or contract carriers in such carrots is to transport them for a service charge to destinations given by others. The person or persons delivering carrots to a common or contract carrier should be responsible for compliance under the marketing agreement and order. As defined, therefore, the term "handler" or "shipper" means any person except a common or contract carrier of carrots owned by another person who handles carrots or causes carrots to be handled.

"Handle" is defined to establish the specific marketing functions which are primarily responsible for placing South Texas carrots in the current of commerce within the production area or between the production area and any point outside thereof, and to provide a basis for determining those functions relating to South Texas carrots which are subject to regulations under authority of the marketing agreement and order. "Handle" and "ship" are used synonymously and the definition should so indicate.

The Act provides that a producer in his capacity as a producer is not subject to the provisions of a marketing order. The growing of South Texas carrots is a producer function within the above exception. South Texas carrot growers sell their carrots in various ways. Some will

enter into a joint venture agreement with a shipper at the beginning of the season. The shipper may have an interest in the crop or agrees to handle the crop for whatever prices it will bring without any price arrangements entering into the agreement. Other growers will finance the growing of the entire crop themselves and then will sell the crop under various arrangements. The grower may sell the crop by the acre prior to harvest, or he may sell on a packout basis in which he receives an agreed to price for those carrots going into cello packs, another price for bulk carrots, and another price for jumbos. He may also enter into an agreement with a shipper who deducts a fixed price for packing and selling his carrots and returns the remainder to the grower. On a joint growing deal with the shipper, the shipper may furnish so much per acre for a certain interest in the crop and the privilege of packing and shipping. The return for the crop is divided on the percentage basis agreed to in the agreement and the shipper also will share the losses if any. It was testified that sales by the acre were common practice several years ago but the practice has decreased in recent years because shippers have become reluctant to buy on this basis. Some growers may sell their carrots in a manner referred to as "across the scales". In this way he is paid a certain price on a weight basis at the shed minus a certain percent for dirt and culls. Some growers in certain portions of the production area maintain their own packing sheds and perform both the growing and handling functions. There are other variations and types of sales growers may make, however, it was testified that carrots going into the commercial markets generally go through the packing operation in which they are washed, graded and sized, and packed in the proper containers. Such packing plants may be located either in the production area or in terminal markets located outside of the production area.

While it was testified that the harvesting of carrots is usually performed by a shippers' crew with the shippers' machinery, harvesting should be considered a producer function. The grower retains control of the crop until he decides to sell in one of the methods described above. Even in cases where the grower sells by the acre, he cares for the crop until it is harvested. Any transportation of carrots to a registered handler within the production area for customary grading and packing and the sale of carrots to a registered handler should be considered as within the producer exclusion. The marketing agreement and order should contain a definition of a registered handler so as to identify those persons to whom a producer may sell and still come within the producer exclusion.

The sale of South Texas carrots to a registered handler and the transportation of carrots to such handler within the production area are excepted from the definition of handle. Producers delivering or selling carrots to established packing houses accept as a fact from experience, personal knowledge, and customary marketing practices for South Texas carrots that the packing house operators normally accept responsibility for complying with marketing requirements including the grades, sizes, qualities, packs, types of containers, the buying trade or regulatory agencies may require. These marketing requirements also include responsibility for inspection when required.

Established packing house operators may be recognized and registered by the committee, the administrative agency established under the marketing agreement and order. Registration in this instance is intended to recognize the customary responsibility of such persons for proper grading, sizing, and packing of South Texas carrots and for having them inspected after they have been prepared for market. Any other person including truckers, brokers, or any other buyers may also be registered by the committee if such persons indicate their ability and responsibility for complying with requirements under the marketing agreement and order. Accordingly, the committee should under appropriate rules authorized by the marketing agreement and order prepare and maintain a current register of all registered handlers and the sale or transportation of South Texas carrots within the production area to a registered handler should be excepted from the definition of handlers. All other sales or transportation of South Texas carrots, whether such sale or transportation by a producer, or any other person, should be included in the definition of handle except sales at retail by a person in his capacity as a retailer. The act or acts of handling are those procedures or processes which affect the current of commerce in South Texas carrots within the production area or between the production area and any point outside thereof. The transportation of such carrots makes the commodity a part of the available supply moving to market and therefore part of the current of commerce. The current of commerce is affected by the sale of such commodity in which the price is a measure of quantity and quality factors.

Prior to entering the current of commerce in which carrots are marketed the great bulk of Texas carrots are usually subjected to grading and packing operations in recognized established packing houses and the packing house operator is responsible for preparing them for market. The carrots are customarily hauled to the packing house platform immediately after harvest. The title to the carrots may be transferred in one of the ways aforementioned. The customary function of the packing house is to process the carrots by washing, grading, sizing, and packing, to make them a part of the visible available supply of marketable carrots. The carrots so packed are then sold or transported in the current of commerce to markets within the production area or between the production area and points outside thereof. Packing house operators, or their agents, sell South Texas carrots from shipping point to other packing house operators, to truckers, and to other buyers. They also sell their carrots f.o.b. shipping point to repackers, brokers, wholesalers or other buyers in terminal markets in metropolitan areas both within and outside Texas. Carrots may also be sold on a delivered basis or may be consigned to receivers at terminal markets. The sale or transportation of South Texas carrots by packing house operators regardless of the quality or size, places such carrots within the current of commerce for carrots. Either or both of these marketing functions constitute handling

Some South Texas carrots are sold from the field in bulk or in burlap field sacks. Such sales are usually to repackers located in terminals either within the production area or outside thereof. Other carrots may be sold to truckers and peddlers who transport them in the current of commerce. Each such sale of carrots, also any transportation of such carrots, in the current of commerce in carrots constitutes handling whether by a producer, a trucker, or any other person and such activity is subject to the authority of the marketing agreement and order.

As mentioned previously some carrots produced outside of the production area are packed at the same time as South Texas carrots in the same packing house within the production area. In addition, all carrots irrespective of origin moving through the packing house are sold under the same brands and may be commingled. It was testified that for obvious reasons all carrots packed within the production area should be subject to marketing agreement and order unless the carrots produced outside of the production area are graded and otherwise prepared for market separately and are maintained throughout the handling functions as separate, identifiable lots. Otherwise, it would be possible for unscrupulous handlers to circumvent the program requirements by maintaining their carrots were not from South Texas. Also if some of the out-of-production area carrots did not meet minimum requirements for South Texas carrots, they could reflect unfavorably upon the South Texas carrots and thereby adversely affect returns to South Texas carrot growers.

In summary the sale or transportation of South Texas carrots which is in or places them in the current of commerce in carrots within the production area or between the production area and any point outside thereof is included within the definition of handle. Such sale or transportation of South Texas carrots may be performed or caused by any one or more persons, such as packing house operators or their agents, producers in their capacity as handlers, truckers, brokers, or any other person engaged in the marketing of carrots. The failure of one person selling or transporting such carrots to comply with marketing regulations does not relieve subsequent sellers or transporters from responsibilities therefor. Except for the activities specifically excluded from the definition by the above findings, all sales and transportation of South Texas carrots are found and determined to be in the current of commerce within the production area or between the production area and points outside thereof and, therefore, such activities are included in the definition of handle.

(5) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the marketing agreement and order. Such terms should be defined for the purpose of designating specifically their applicability in establishing the approximate limitation of the respective meaning whenever they are used.

(a) The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, but also in order to recognize the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter, be authorized to act in his stead.

The definition of "Act" provides the correct legal citation for the statute pursuant to which the proposed regulatory program is to be operative. It makes it unnecessary to refer to such citation when used thereafter in the marketing agreement and order.

The definition of "Person" follows the definition of that term as set forth in the Act, and will insure that it will have the same meaning as when used in the Act.

"Producer" should be defined to mean any person who is engaged in a proprietary capacity in the production of carrots within the production area who is producing such carrots for market. The term is used in determining the eligibility of persons to vote for and to serve as producer members or alternate members of the committee and for other reasons.

Inasmuch as a person is defined as an individual, partnership, corporation, association, or any other business unit each such person establishes a legal entity. Each person or legal entity, whether an individual partnership, joint venture, or corporation engaged in the production of carrots for market should be classified as a producer and participate in the rights and privileges accorded a producer under the marketing agreement and order. The term producer should be limited to those who have an ownership interest in the carrots which gives them title or authority to pass title to such carrots.

In the production area carrots occasionally are sold by the grower or producer prior to the date of harvest. Such sales are generally to a packing shed operator or handler and while title actually passes at this point, the agreement in most instances includes the requirement that the producer will care for the crop until it is harvested. In such cases even though title passes to the handler at the time of purchase, the buyer would not therefore be classified or qualified as a producer since the buyer does not actually perform any producer functions with regard to growing of the crop.

Some carrot crops in the production area are grown under a joint venture arrangement in which money is advanced for seed, labor, water, etc., by banks, handlers, or others for an interest in the crop. When the crop is sold the person who advanced the money is repaid in money. In such cases the grower should be considered the producer since he rather than the financier performs the producer functions. In this case the financier and the grower are in effect a partnership and therefore only one producer is involved.

As mentioned previously, some producers may own or operate a packing shed. If such producers handle carrots of their own production they should be considered producers as their primary interest or sentiments would lie with this group rather than with the handler operation of the deal.

The term should exclude persons who grow carrots on a small scale primarily for their own use. The definition should cover only those persons who grow carrots on a commercial scale for market and who have a proprietary interest in such carrots.

"Grading" is defined to mean the operation by which carrots are sorted or separated into the various categories or classifications in which they will be marketed. Such classifications are determined by the handler who directs in person, or through his agent, how and in what number of grades a particular lot of carrots should be separated. Grading may vary from an operation performed entirely by hand in which certain carrots are picked out when they are being loaded at the field to a production line operation whereby carrots are carried by mechanical conveyor to be washed, graded, sized, and packaged so that the carrots which are to go to preferred price outlets are separated from those going to discounted price outlets. Grading or preparation for market is an operation which applies to all carrots grown in the production area even though the extent in which carrots are separated into market classes may vary considerably among the types of ultimate outlets.

Definitions of "grade" and "size" are incorporated in the marketing agreement and order to enable persons affected thereby to determine the basis for application of grade and size limitations to the product they handle. "Grade" and "size", the essential terms in which regulations are issued, should be defined as encompassing the meanings assigned to those terms in the various official United States standards for carrots issued by the United States Department of Agriculture and to modifications or amendments to such standards and to variations to such standards by regulations under the marketing agreement and order. Regulations under the order can amend and incorporate such terms (grade, size) with the constant meaning assigned thereto in such standards or in such modified or amended standards. Also, such regulations can vary such terms by prescribing, for example, a percentage of grade. Federal or Federal State Inspectors are qualified to certify to the grade, size, and quality of carrots grown in the production area under the terms of the aforesaid standards or modifications or amendments based thereon.

At the present time five sets of standards are applicable to carrots grown in Texas. The most widely used are the United States Standards for Topped Carrots. The others are United States Standards for Carrots with Short Trim Tops; United States Standards for Bunched Carrots; United States Consumer Standards for Fresh Carrots; and United States Standards for Carrots for Processing. The United States Standards for Topped Carrots are generally used as a basis for inspecting shipments of carrots in the production area. However, the use of the other standards may increase and they should be available as a basis for regulation under the marketing agreement and order.

"Pack" should be defined as a basis for distinguishing the various units in which the carrots are prepared for market and shipped. The term pack is commonly used throughout the carrot trade and refers to a combination of factors relating to grade and size of the carrots and to the type of the container. For example, carrots are packed primarily in one of three ways, in cello bags which go into a master container; jumbo place packed carrots; and bulk carrots which usually are shipped in burlap to repackers and processors. Carrots packed in cello bags are also referred to in terms of size, such as medium to large or small to medium. In addition, some carrots are shipped in bunches with fresh green tops and are placed in master containers by the count. Jumbos are usually packed in open mesh bags of 48 or 50 pounds. The committee should have the authority to recommend regulations in terms of packs and to define and establish such packs under its rules and regulations.

The term "container" should be defined in the marketing agreement and order to mean a box, bag, crate, hamper, basket, package, bulk load or any other receptacle used in the packaging, transportation, sale or shipment of carrots. The definition of the term is needed to serve as a basis for differentiation among the various shipping receptacles in which carrots are sold or moved to market for which different regulations could be applicable.

The term "varieties" is included in the marketing agreement and order so that the committee may recognize the market differences and characteristics of different varieties and different types of carrots, and the differences and types of regulations which might be considered and recommended therefor. At the present time South Texas grows only the Imperator type for fresh market. However, new varieties which differ in some respects from the Imperator type may be introduced from time to time and become commercially important. The definition of variety should be appropriate for determining the different varieties or types grown in the production area so that a basis for regulating some and not regulating others may be established.

The definition of "committee" is incorporated in the marketing agreement and order to identify the administrative agency which is responsible for assisting the Secretary in the administration of the program. Such committee is authorized by the Act and the definition thereof minimizes the use of words in

referring to the administrative agency in the marketing agreement and order.

The definition of "fiscal period" should be incorporated in the marketing agreement and order to establish the beginning and ending of a suitable period for fiscal accounting. This definition provides authority for the committee and the Secretary to set the dates for the fiscal period so that auditing and financial problems resulting from different crop conditions from one season to another may be met. According to testimony, it is anticipated that normally a fiscal period would be established to coincide with the beginning and ending date of the terms of the committee members (beginning August 1 and ending July 31), but flexibility within the definition should be authorized in the marketing agreement and order to facilitate the operations under the program.

"District" should be defined in the marketing agreement and order to refer to each of the geographical sections or divisions of the production area as initially established, or as later reestablished, in order to provide a basis for the nomination and selection of committee members and for regulatory purposes. The proposed division into districts is adequate and equitable from the standpoint of the present situation and should provide a practical basis for the purposes intended.

The definition of "export" is incorporated in the marketing agreement and order since different regulations thereunder are authorized for export shipments, than for domestic shipments. Export markets may have requirements which differ from the domestic markets and special regulations may be justified. Export should be defined to include the 48 contiguous states and would not include Hawaii or Alaska. Under normal circumstances South Texas does not ship carrots to Alaska or Hawaii since they are in the normal trade area of California. However, exports of fresh carrots from South Texas are made to Canada and Mexico and efforts are being made to develop an export market to Europe. During the 1960 season some carrots were exported to Europe and the industry is trying to expand this market in the future.

(b) An administrative agency, called the South Texas Carrot Committee, consisting of 15 members (10 producers and 5 handlers) should be established to aid the Secretary in administering the marketing agreement and order and in carrying out the declared policy of the act. It was testified that a committee composed of 15 members would provide adequate industry representation on the committee and would assure responsible judgment and deliberation with respect to recommendations made to the Secretary and the discharge of other committee duties. The number of members from each district as well as the total number of members on the committee and the distribution of such members within districts was thoroughly considered by the proponents of the marketing agreement and order who believe that all interests within the industry will be represented. Testimony indicates that the committee so established will be sufficiently familiar with current market demands, available supplies, current prices, price trends including prices by grades, sizes, quality, packs, varieties, containers, and types of outlets, and other relevant factors which have to do with the marketing of carrots.

The marketing agreement and order should provide that an alternate be selected for each member of the committee, so that in the event a member is unable to attend a meeting, the district which he represents will have representation on the committee. This provision is a logical method of providing for absentees whether such absences are voluntary or beyond the control of the members.

Individuals selected as committee members or alternates must be producers or handlers for the reason stated herein. Such persons may be producers or handlers as individuals, or through a corporation, partnership, or other business unit. If a person qualifies within the definition of producer as defined in § 1032.8, resides in the production area, and produces carrots in the district for which selected he may serve as a producer member on the committee. Bona fide carrot growers who handle only carrots of their own production should be eligible to serve as producer members. A few producers in the production area pack and sell their own carrots. While such producers may also perform the functions of a handler they should not be discouraged or prevented from serving on the committee as producer members if they qualify in other respects. Producer members must be residents of the production area and produce carrots within the district for which selected. Handler members must be persons, commonly considered as handlers among the industry, who are performing the usual commercial handling functions such as buying, packing, selling, and shipping carrots. Handlers also must be residents of the production area and handle carrots in the district from which selected. It was testified that these requirements were necessary so as to achieve the best possible committee representation, and to achieve balance on the committee, since such persons would be familiar with their segments of the industry and the problems connected with their particular district. As set forth elsewhere herein, the program is designed to benefit growers, hence, the committee should have a greater proportion of producers. However, because of their experience and knowledge of the industry, the committee should also include handler members.

It is practical and equitable that selection of committee members and alternates be on the basis of the districts as provided for in the marketing agreement and order. As mentioned hereafter, this provides a geographical basis for such selection of the members. Such geographical basis has been related to the number of producers and the volume of production within the production area so that an equitable basis has been employed in establishing the districts.

The term of office for committee members and alternates under the marketing agreement and order should be for two years beginning on August 1 and ending as of July 31, and any additional period needed for the selection and qualification of successors. It was testified that a two year term is an adequate length of time and in addition it provides an opportunity for the industry to nominate new committee members and alternates each year. The terms of individual members should be so determined that roughly one-half of the committee would be selected each year so as to provide continuity of experience on the committee. The beginning of each term of office occurs during an interlude between the completion of one crop and the beginning of the succeeding one. This term of office will allow adequate time for the committee to organize and start operating before the opening of each season.

Committee members and alternates shall serve during the term of office for which they are selected and until their successors are selected and have qualified. Such provision is necessary in order to insure continuation of the committee's operations. Also, if committee members and alternates are not selected until after the beginning of a term of office such committee members should serve that portion of the term of office for which they are selected.

The selection of committee members and alternates should be on the basis of districts, which, as set forth in the marketing agreement and order, provide a practicable and equitable manner of representation. The division of the production area into three districts is a logical division of the production area due to a combination of geographic and sectional factors. These districts are commonly accepted by producers and handlers as representing distinct geographical sections engaged in the marketing of carrots. Each district includes one or more distinct sections with no overlap. For example, District No. 3 includes the Lower Rio Grande Valley and the Coastal Bend areas. The geographical basis for the extent and selection of committee membership is related to acreage and production within the production area so as to provide as equitable a basis as possible at this time for committee representation.

A provision for redistricting is necessary to enable the committee and the Secretary to consider from time to time whether the basis for representation has changed or could be improved and how such improvement may be made. Future shifts or other changes in carrot production in Texas cannot be foreseen at the present time, since rather quick shifts may occur in the acreage of commodities produced in South Texas from one year to another. Therefore, it is desirable to provide flexibility of operations so that if it should be in the best interests of the industry to readjust districts, the committee may so recommend and the Secretary approve such action.

The election by growers of nominees for membership on the committee should be prescribed in the marketing agreement and order. This is provided for in the procedure for holding meetings for this purpose. Nomination of prospective members and alternates at meetings of growers in their respective districts is

practical and desirable. In this way the industry may express its wishes and differences with respect to committee membership. In order to obtain an indication of the industry's preferences initial meetings should be sponsored by the U.S. Department of Agriculture or any agency or group requested by the Department to hold such meetings. Nomination meetings for the purpose of electing nominees for members or alternates after the initial committee has been selected should be called or held by the committee or by agencies or groups requested to hold such meetings by the committee.

Nomination meetings should be held not later than June 15 of each year insomuch as the terms of office is to begin as of August 1. This will assure sufficient time to forward the names of the nominees to the Secretary, and for him to consider the nominations submitted prior to the beginning of each term of office.

At least one nominee shall be designated for each position as member, and for each position as alternate member of the committee. However, a greater number of nominations may be submitted and the voters at the nomination meetings may indicate the ranking of their choice for all nominees for members and alternates. This method is appropriate and practical and is sponsored by the industry.

It is appropriate and proper that nominations should be supplied to the Secretary in the manner and form which he may prescribe. This requirement merely means that the industry through the committee would provide the Secretary with background information in connection with each nominee so that the Secretary may be able to determine before making his selections if such nominees are qualified. To allow sufficient time for this purpose nominations should be supplied to the Secretary not later than July 15 of each year.

All persons participating in nomination meetings for producer members and alternates should be producers of carrots, and persons participating in handler nomination meetings should be handlers, so that the persons nominated will be representative of each group, and will reflect the sentiment of their respective group in committee decisions.

Some growers produce carrots and some handlers operate in more than one district of the production area. If a grower does produce carrots in more than one district or if a handler operates in more than one district he may elect the district in which he wishes to participate in electing nominees for committee members and alternates. In this way each grower or handler shall have the same equitable voice in the nomination of committee members. Regardless of the number of districts in which a person produces or handles carrots as the case may be, each person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries and affiliates and representatives in nominating members and alternates for the committee. This provision is deemed necessary as an appropriate safeguard for the protection of all growers and handlers participating in their respective meetings irrespective of the size of an individual's operations. This limitation however, is construed to mean that one vote may be cast for each position which is to be filled.

In order to assure the existence at all times of an administrative agency to administer the program the Secretary should be authorized to select committee members and alternates without regard to nominations, if for any reason they are not submitted to him in conformance with the procedure prescribed in the marketing agreement and order. For the reasons given above, such selections should, of course, be on the basis of the representation provided for in the marketing agreement and order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such a capacity. This requirement is necessary so that the Secretary will have definite knowledge that the person appointed is willing to serve and that the position has been filled. The requirement that these acceptances be filed within 10 days is appropriate and necessary so that the full membership of the committee may be obtained without excessive delay.

It is also desirable and necessary that the Secretary be authorized to fill vacancies on the committee without regard to nominations if the names of nominees to fill such vacancies are not made available to the Secretary within 30 days after such vacancy occurs. This requirement is necessary to maintain continuity of the committee operations and to insure that all portions of the production area are adequately represented in the conduct of committee business.

Also, to insure that all portions of the production area are adequately represented in the conduct of the committee's business and that the continuity of operation is not interrupted the marketing agreement and order should provide for alternate members on the committee. Such alternates should be authorized to act in the place and stead of the member during the member's temporary absence, or in the case of the death, removal, resignation, or disqualification of the member.

The marketing agreement and order should provide that ten committee members be necessary to constitute a quorum. Eight concurring votes or two-thirds of the votes cast whichever is greater, should be required to pass any committee action. Since the committee is composed of 15 members, ten members constitutes a two-thirds majority which should be present. It was testified that at least ten members should be present to provide the representation necessary and sufficient to conduct business. A smaller number could possibly mean that a district would not be represented and this would not be fair or equitable to the producers and handlers involved. The proponents propose that only a majority of committee members or two-thirds of the votes cast whichever is greater pass on action as this would represent a majority of the committee membership.

The committee should be authorized to vote by telephone, telegraph, or other means of communication as it may be necessary at times for the committee to act speedily and without trying to call a formal assembled meeting. Because marketing conditions often change rapidly, it is essential that the committee should be permitted to take action to protect the interests of the industry the members represent. In any assembled meeting all votes should be cast in person as this provision does not authorize proxy voting at an assembled meeting. If an assembled meeting is held all members should attend in person so as to participate in the discussions and present the views of the growers they represent. If for some reason a member is unable to attend the meeting he should arrange for his alternate to attend and vote in his stead.

Committee members and alternates while on committee business will necessarily incur some expenses. These expenses, which may include travel and living expenses, should be reimbursed so as to avoid personal financial loss to members which might otherwise occur because of their service to the committee. Also, the proponents testified that compensation not to exceed $10 per day should be authorized since committee members may incur additional expense with respect to their own affairs when attending to committee affairs. These provisions should also extend to alternate members when performing official duties.

The committee should be given those specific powers which are set forth in section 8c(7)(c) of the act because such powers are granted by the enabling statutory authority and they are necessary for administrative agencies such as the South Texas Carrot Committee to function.

The committee's duties as set forth in the marketing agreement and order are necessary for the discharge of its responsibilities. The duties established for the committee are generally similar to those specified for administrative agencies under programs of this character. They are reasonable and necessary if the committee is to function in the manner prescribed under the act and the marketing agreement and order. It should be recognized that these duties specified are not necessarily all inclusive and it is probable that there are other duties which the committee may need to perform which are incidental to, and not inconsistent with, its specified duties.

(c) The committee should be authorized to incur such expenses as the Secretary should find are reasonable and likely to be incurred by it during each fiscal period for the maintenance and functioning of such committee and for such other purposes as the Secretary might, pursuant to the provisions of the order, determine to be appropriate. The expenses so incurred should be shared by handlers on the basis of the ratio of each handler's total shipments to the total shipments by all handlers during specified fiscal periods. The basis for determination of the ratio of shipments by individual handlers should be based upon the total shipments by first handlers thereof. The above formula is believed to be the fairest method of ob-

taining operating revenues on an equitable basis.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of income and expenditures necessary for the administration of the order for such period. Each such budget should be presented to the Secretary with an analysis of its components and an explanation thereof in the form of a report. It will be desirable for the committee to recommend a rate of assessment to the Secretary which is designed to bring in during each fiscal period sufficient income to cover expenses incurred by the committee. There should not be any increase made in the total budget without prior recommendation of the committee and approval of the Secretary.

The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of such expenses by administrative agencies, such as the proposed South Texas Carrot Committee, and the statute also requires that each marketing order issued pursuant to the act contain provisions requiring handlers to pay their pro rata shares of the necessary expenses. Moreover, in order to assure continuance of the committee, the payment of assessments by handlers should be permitted to be required irrespective of whether particular provisions of the marketing agreement and order are suspended or become inoperative.

Each handler should pay the committee, upon demand, his pro rata share of such reasonable expenses which the Secretary finds will be incurred necessarily by the committee during each fiscal period. Such pro rata share of expenses should be equal to the ratio between the total quantity of carrots handled by him as the first handler thereof during a specified fiscal period and the total quantity of carrots so handled by all handlers during the same fiscal period. It will be necessary that responsibility for the payment of the assessment on each lot of carrots be fixed and it will be logical to impose such liability on the first handler of such carrots. In most instances, the first handler and the applicant for inspection are the same person. However, in the event the first handler fails to apply for, and obtain, inspection, this does not in any way cancel his obligation with respect to the payment of assessments. Except in the case of movements to registered handlers, first handlers should apply to carrots when they have been subjected to grading or preparation for market. Assessment rates should be recommended by the committee and applied by the Secretary to a specific unit of shipment or its equivalent. However, such assessments for a fiscal period should be applied on a uniform rate basis.

The committee should be authorized at any time during or subsequent to a given fiscal period, to recommend the approval of an amended budget and the fixing of an increased rate of assessment to balance necessary committee expenses and revenues. Upon the basis of such recommendations, or other available information, the Secretary should be authorized to approve amended budgets and, if he should find that the then current rate of assessment is insufficient to cover committee administration of the order, he should be authorized to increase the rate of assessment. The order should also authorize the application of such increased rate of assessment to all carrots previously handled by first handlers during the specified fiscal period so as to avoid inequities among handlers.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purpose of administration of the order, including appropriate research and development projects. The committee should be required to maintain books and records clearly reflecting the true up-to-date operations of its affairs, so that its administration might be subject to inspection at any time by appropriate parties during regular hours of business.

Each member and each alternate, as well as employees, agents, and other persons working for or on behalf of the committee should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible and the Secretary should have the authority, at any time, to ask for such accounting.

Whenever any person ceases to be a member or alternate of the committee he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible. Such persons should also be required to execute assignments or such other instruments as may be appropriate to vest in their successor or any agency or person designated by the Secretary, the right to all such property and all claims vested in such person.

If the committee should recommend that the operations of the marketing agreement and order should be suspended, or if no regulation should be in effect for a part or all of a marketing season, the committee should be authorized to recommend, as a practical measure, that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period. This would provide a practical method whereby the committee's business affairs could be taken care of during periods of relative inactivity with a minimum of difficulty and expense.

The committee should provide periodic reports on its fiscal operations. It is expected that audit reports will be requested by the Secretary at appropriate times, such as at the end of each marketing season, or at such other times as might be necessary to maintain appropriate supervision and control of the committee's affairs. Also financial statements which reflect the current fiscal position of the committee should be furnished members and alternates and the Secretary at the close of each month. Audit reports and monthly financial statements should also be supplied on request to persons such as producers and handlers, having a valid interest in the contents of such reports. In no case should data of a nature which could be detrimental to the interests of an individual handler or producer be disclosed in copies of fiscal or other reports released.

Except as indicated below, handlers should be entitled to a proportionate refund of the excess assessments collected which remain at the end of a fiscal period, or at the end of such other period as might be deemed appropriate by reason of suspension or termination. Refunds should be credited to contributing handlers respectively against the operations of the following fiscal period, unless payment should be demanded, in which event proportionate refunds should be paid.

If and when the committee should be required to liquidate its affairs expenses will necessarily be incurred in the liquidation process. The affairs of the committee which are to be liquidated might involve a number of years' operations. It will be appropriate, therefore, that funds remaining at the end of a fiscal period, which are in excess of those necessary for payment of expenditures during such period, be carried over into subsequent fiscal periods as a reserve for possible liquidation in the event of the termination of the order.

It is generally considered to be good business practice to provide for unforeseen contingencies. For example, it is possible that adverse weather conditions might result in a total or partial crop failure during a fiscal period. Also, the anticipated crop for any season might conceivably be reduced by other factors. The net effect of such a crop failure would be to reduce greatly or stop shipments, and could cause the discontinuance of regulation and the collection of assessments or a reduction in total committee revenue. In order to continue and maintain the nucleus of a committee organization and to assure the performance of a minimum of basic services, the committee should have authority to secure needed extra funds to cover the expenses of operation during such a fiscal period. Such funds might reasonably be drawn from the same reserve accrued for purposes of liquidation.

The above reserve might also properly serve another purpose. At the beginning of each fiscal period, there will be a need for operating monies at a time when there will usually be little, if any, revenue from assessments. It is customary and sensible budgetary practice, and the committee should be so authorized, to borrow operating funds from the above reserve until such time as assessment collections provide adequate revenue to meet current expenses. It is contemplated that any such reserve will have a quadruple use; namely, (i) expense of liquidation, (ii) crop failure or reduced revenue advance, (iii) expenses authorized during periods of suspension or when no regulations are in effect, and (iv) fiscal period advance. It was testified that the reserve which would be accrued from excess assessments should be limited to an amount roughly equivalent to the average budget of expenses for one fiscal period.

Any funds remaining after liquidation has been effected, including any balance which might remain in the reserve fund, should be refunded to handlers on a pro rata basis. In some cases, however, an individual handler's account will be such a small amount as to make the return thereof impracticable or unduly expensive. Funds of such insignificant nature should be used by the committee for purposes of liquidation or put to such other use as the Secretary considers appropriate in the circumstances.

(d) The establishment or provision for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of carrots was authorized by amendments to the Act in Public Law 690, known as the Agricultural Act of 1954, enacted by the 83d Congress. Such authorization should be included in the marketing agreement and order.

Through the medium of research investigation, the committee might be able to obtain information which would enable the committee and the Secretary to determine with a greater degree of accuracy the effect of specific regulations on the market and thereby promote more orderly marketing.

As the industry and the committee become more aware of the value of and need for marketing research and development, projects will undoubtedly be initiated, the need for which will not have been foreseen early in committee operations. Therefore, the committee should have the authority to recommend and the Secretary should have the authority to approve the establishment of such projects which are in the best interests of carrot marketing and which would assist, improve, and promote the marketing, distribution, and consumption of South Texas carrots. After approval, the committee should be empowered to engage in or contract for such projects, to spend funds for that purpose, and to consult and cooperate with other agencies with regard to their establishment. All such projects should receive the prior approval of the Secretary.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for carrots among other commodities, as will tend to establish for growers the equivalent parity price for such commodities. The regulation of shipments of carrots by grade, size, quality, and pack is authorized in the marketing agreement and order and provides the practicable means of carrying out this policy.

Procedures and methods which are outlined in the marketing agreement and order for the development and institution of marketing policies relating to grade, size, quality, pack, container, or other regulations authorized by the marketing agreement and order provides a practical basis for the committee to obtain appropriate and adequate information relating to carrot marketing problems. It also provides growers and handlers and other members of the industry with information regarding policies and regulations recommended by the committee. The factors set forth in the marketing agreement and order which the committee should take into consideration in developing its marketing policies are those commonly and usually taken into account by growers and handlers in their day-to-day evaluation of the market outlook with respect to carrots.

In order that the Secretary may effectively carry out his responsibilities in connection with the marketing agreement and order the committee should prepare and submit to the Secretary a report on its proposed marketing policy relating to the marketing of carrots during each season. In the event that it is necessary to amend or modify the marketing policy during the course of the season the committee should be authorized to do so and the Secretary should receive a report regarding the revised policy. The initial marketing policy offered each season by the committee should be prepared and submitted to the Secretary prior to or simultaneous with recommendations for regulations. This will give all interested parties maximum notice of probable regulations. Reports on marketing policy and regulations recommended by the committee should be publicly announced and made available to the industry at the committee's office.

The committee which has sole responsibility for recommending regulations authorized by the marketing agreement and order as well as modifications, suspensions, amendments, or terminations thereto should be authorized to consider and recommend any or all methods of regulations so authorized and deemed desirable. The committee as the local administrative agency should have this authority since it is logical to expect the committee to reflect the views of the industry. In turn the Secretary will look to the committee as the agency which properly reflects the thinking of the industry on matters pertaining to the marketing agreement and order.

Evidence introduced at the hearing shows an authority should be established in the marketing agreement and order for the Secretary to issue regulations with respect to the grade, size, quality or packs of carrots in any or all portions of the production area during any period. Such regulations may be issued as a result of recommendations and information submitted by the committee, as aforementioned, or other information which may be available to the Secretary which indicates that such regulations would tend to effectuate the declared purpose of the Act. Such regulations should apply to all carrots handled unless shipped under modifications authorized by the marketing agreement and order. The limitation of shipments of poorer grades, off-qualities, and less desirable sizes and packs of carrots grown in the production area will tend to increase prices received for the more desirable grades, sizes, qualities, and packs; will promote more orderly marketing; will build confidence in the industry for Texas carrots; and will thereby tend to increase returns to producers of such carrots. It was testified that some grades and sizes not only depress prices received for the more desirable grades or sizes of carrots, but at times do not return the growers anything after the cost of packing so that their costs of production represent a complete loss.

It was testified that it has been the experience of the carrot industry that small-to-medium sizes may move well at the beginning of the season but as the season progresses and there is an ample supply of medium-to-large carrots the price differential between small-to-medium and medium-to-large increases considerably. In situations such as this the industry believes the authorities contained in the marketing agreement and order would be of definite assistance in that appropriate grade and size regulations could be issued when this undesirable trend begins thereby reducing supplies of carrots in the market, maintaining higher and steadier prices on the more desirable sizes of carrots permitted to be shipped. It was also testified that during seasons of surpluses the regulatory authorities contained in the marketing agreement and order would be an effective means for alleviating the surplus condition with its undesirable effect on prices.

As mentioned before another example of a market depressing practice in the production area is that producers of late winter and late spring carrots have certain harvesting deadlines so land can be cleared for cotton. Because of the planting deadlines many carrots are dumped on the market at very low prices. While this problem could not be completely solved by the authorities contained in the marketing agreement and order, such controls could aid in reducing the quantity of carrots glutting the market at such times. Culls could be eliminated and the quality and size of carrots being marketed limited to those which the trade desires.

Since the production area included in the marketing agreement and order is large there might be a variance in the size and condition of the crop at various times because of weather conditions, soil conditions or other factors. Flexibility should be contained in the order whereby regulations may be issued in any or all portions of the production area so that regulations may be varied for different portions of the production area in order to meet each section's particular problems as they arise.

Most carrots packed for the consumer market go into 1-pound, 20-ounce, or 2-pound cellophane packages, and are then shipped in master containers of 48 or 50 pounds. These master containers are paper bags or wire bound crates. The cellophane packages are usually packed in two size ranges (medium-to-large, which is the most desirable pack as far as the trade is concerned, and small-to-mediums). It was testified that some shippers may commingle their cellophane pack with sizes ranging from small to large. Authority contained in the marketing agreement and order with respect to pack regulations could improve marketing conditions and thereby improve growers returns by eliminating the adulteration of packs which normally are sold for higher prices. It was testified further that it is a possibility that packs may be modified in other ways which may react unfavorably on the price structure. There-

fore, the marketing agreement and order should contain the authority to regulate packs when it is considered necessary for the purpose of effectuating the policy of the Act.

Provision is included in the marketing agreement and order authorizing different regulations for different markets. It was testified that this provision is intended to distinguish only between markets within the production area and those outside. Markets in the production area which are close to the source of supply could at times be allowed to take different sizes and qualities of carrots compared to those outside the production area, or could be relieved from grade and size regulations if it may be practical to do so in terms of administering the program and helping to promote orderly marketing. At the same time, it would be impractical to consider distinguishing between the terminal markets outside the production area.

Testimony indicates that there are no particular problems at the present time with respect to the new containers in which carrots are presently shipped. However, it was testified that this authority or flexibility should be contained in the marketing agreement and order if it would be necessary to so regulate in order to effectuate the policy of the Act. One abuse which was brought out in the record with respect to containers was the use of second-hand containers, both sacks and crates, and their adverse effect upon grower prices. However, the act does not contain specific authority to prohibit the use of second-hand containers, so this authority is not included in the proposed marketing agreement and order.

The largest carrots, jumbos, are normally utilized by the institutional trade—restaurants, dining cars, steamship lines, etc. These carrots are usually packed in 50-pound mesh or burlap bags. However, they may be packed in larger containers. It was testified that the outlet for jumbos is limited. Some users will pay good prices for jumbos; however, no matter how low the price may go they will not and cannot use a greater volume. Restrictions commonly used under a grade and size marketing agreement and order, that is specifying minimum or maximum sizes, or by requiring a higher grade would not be successful in meeting this problem. Also, the possibility of reducing the volume appreciably by restrictions within the size range would be extremely limited. Therefore, the marketing agreement and order should contain authority to provide a method of limiting the total volume of jumbos which may be shipped. For example, if the market for jumbos is glutted and prices are depressed, the committee could find that the volume of jumbos should be limited to not more than a specific proportion of total shipments which could be handled during any period. Such methods recommended by the committee and approved by the Secretary could be contained in rules and regulations which would specify the procedures and percentage basis which may be used because of the fixed demand for a certain volume of jumbos. Such authority contained in the marketing agreement and order would permit the demand for jumbos to be met without unduly increasing the overall supply of jumbos which would result in depressed prices.

Paragraph (b) (5) of § 1032.52, as published in the notice of hearing, should be deleted from the marketing agreement and order. This paragraph provided for the establishment of shipping holidays during which the handling of carrots would be prohibited for a specified period or periods. The holidays would be limited to a maximum of 72 hours with at least 72 hours lapse between the termination of one holiday and the beginning of the next. Testimony offered at the hearing intended to support this provision was insufficient to substantiate its inclusion in the marketing agreement and order. Some testimony was to the effect that 72 hours was not long enough and the authority should be included to permit a succession of 72-hour holidays without a waiting period between. However, testimony indicates that carrots may be held in the ground for a period of several weeks prior to harvest, or after harvest they may be held in cold storage for periods up to 8 weeks. If carrots so held in storage are held under proper conditions there should be no deterioration to any great extent. A shipping holiday would have no material effect on available supplies of carrots unless it was of sufficient length to clear the terminals of carrots held in cold storage or to reduce the supply of unharvested carrots available for handling. Therefore, it is found upon the basis of the hearing record that shipping holidays are not feasible in application to South Texas carrots and this provision should not be included in the marketing agreement and order.

The marketing agreement and order should contain provision for the notification of the committee by the Secretary whenever he takes action with respect to regulations and the committee should notify the industry of any such actions. This requirement is appropriate and necessary for the proper and efficient administration of the marketing agreement and order.

(f) The committee should be authorized to recommend and the Secretary to establish such minimum standards of quality and maturity and such grading and inspection requirements during any or all periods when carrot prices reach the equivalent parity as will be in the public interest. Some carrots are of such low quality and undesirable size that they do not give consumer satisfaction at any time and consumers do not receive proper value for their expenditures for such low quality carrots even when prices are above parity so it would not be in the public interest either of producers or consumers to permit shipments of such poor quality carrots irrespective of the price level. The marketing agreement and order, therefore, contains authority for the establishment of such minimum standards of quality and maturity as will be in the public interest and such grading and inspection requirements as may be necessary to insure such minimum standards of quality and maturity are met.

The marketing agreement and order should have authority providing for the amendment, modification, suspension or termination of regulations whenever such action is warranted upon recommendation of the committee or other available information. The need for this authority is obvious in that flexibility will oftentimes be required in order to adjust regulations to effectuate the declared policies of the Act. Likewise, it is obvious that if regulations no longer tend to effectuate the declared policy of the Act they should be terminated.

The marketing agreement and order is intended primarily to improve orderly marketing conditions with respect to commercial shipments, that is carlots or truck lots of carrots going into the markets. However, some smaller shipments are made which constitute a very minor percentage of the total movement and are much smaller in volume than what is normally considered a commercial shipment. It may be an accommodation sale which most handlers deal in from time to time, or they may give their product to friends. Such handling would be in a nuisance category insofar as requirements under the marketing agreement and order would be concerned. Therefore, authority should be contained in the marketing agreement and order to relieve such shipments from regulations, assessments, on inspection when such is in the best interests of the program.

(g) The Secretary should be authorized upon the basis of the recommendations and information submitted by the committee to modify, suspend or terminate regulations with respect to the handling of carrots for purposes other than for disposition in normal trade channels. Carrots moving to or serving such outlets are usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, packs, and containers, or different prices are returned, or combinations of such considerations may apply. Such shipments usually do not have any appreciable effect on the marketing of the great bulk of carrots handled in commercial markets. The marketing agreement and order should provide authority for the committee to give appropriate consideration to the handling of carrots for such purposes so that every opportunity may be taken to improve orderly marketing conditions for carrots thereby tending to increase total returns to carrot growers in the production area.

Such outlets would be for relief or for charities, experimental purposes, export, canning or processing, livestock feed, or for other purposes which may become apparent in the future and which would be specified by the committee and approved by the Secretary. Most shipments intended for relief or for charities are usually by the way of donation or due to some special consideration between the shipper and the receiver. Occasionally shipments are made to orphan homes or to veterans hospitals or some other facility and the committee should have authority to recommend waiving of the

requirements in regard to these shipments in that they do not interfere with regular commercial movement. Shipments are sometimes made for experimental purposes. Many times shipments of carrots are made in order to study improved varieties or improved shipping containers, or in order to develop new markets for carrots and carrot by-products. Since these studies are intended to benefit the industry as a whole, no particular purpose would be derived by the application of all the requirements of the marketing agreement and order program with respect to them. Some export markets accept or prefer certain grades and particularly some sizes which normally are discounted for domestic markets. The marketing agreement and order should provide for appropriate modification, suspension or termination of regulations with respect to movement of carrots to export outlets so that these demands can be met and the sale of the carrots grown in the production area will continue to such markets. It was testified that Canada prefers a 20-ounce cello bag rather than the 16-ounce commonly shipped to U.S. markets. Also, Canadian outlets prefer small-to-medium size carrots rather than medium-to-large. Occasional sales of cull carrots are made to Mexican importers. Last season the South Texas carrots were exported to Europe on a trial basis and the industry hopes that this outlet will expand in the future. Movement to these markets does not interfere with the sale of high quality carrots within U.S. markets, and should be encouraged.

There is an occasional movement of carrots from the production area to canning plants in nearby areas. Since carrots destined for such outlets are exempted from regulation by the Act they cannot be restricted by grade, size, and other requirements under the marketing agreement and order. However, requiring proper evidence that such carrots are going to a canning plant and are not being diverted into regular commercial channels, may be necessary for proper administration of the program.

Many cull carrots are used for livestock feed. Such carrots may be hauled by the feeder from the field where grown or from the cull chute at the packing house. Such movement should not be controlled except to the extent that safeguard procedures should be instituted to see that the carrots actually are fed and not diverted to other markets.

It is a possibility that other outlets or special purposes might arise that are not known at this time and if it is found that such outlets are not competitive with fresh market channels the committee may recommend and the Secretary may approve that such shipments should move under modified, suspended or terminated regulations.

The authority for modifying, suspending or terminating grade, size, quality, assessment, or inspection regulation should be accompanied by additional administrative authority for the committee to recommend and the Secretary to prescribe adequate safeguards to prevent shipments for such purposes from entering market channels contrary to provisions of such special regulations. The authority for the establishment of safeguards should include such limitations or appropriate qualifications on shipments which are necessary and incidental for proper and efficient administration of the marketing agreement and order.

(h) Inspection of carrots grown in the production area by the Federal or the Federal-State Inspection Service must be required for the purpose of determining officially whether shipments meet requirements effective under marketing regulations issued pursuant to the marketing agreement and order. Federal or Federal-State Inspection Service has operated in the State of Texas for a number of years and carrot growers and handlers throughout the production area are well acquainted with the service and with the inspection which it offers on shipments of carrots. The service is available throughout the entire production area and reasonably prompt inspection can be given at all packing points. Provision is made in the marketing agreement and order for inspection of carrots grown in the production area by the Federal or Federal-State Inspection Service during any period in which the handling of carrots is regulated under the program. Inspection and certification requirements should apply to all carrots shipped under regulations issued under the marketing agreement and order except when relieved therefrom pursuant to rules and regulations applicable to minimum quantities or special purpose shipments.

Inspection and certification requirements are necessary so that the shipper as well as subsequent handlers, the committee, and other interested parties may determine if shipments comply with the regulations in effect and applicable to such shipments. Effective regulation of the handling of carrots grown in the production area requires evidence that each shipment is in compliance with regulations under the marketing agreement and order and the provision for inspection and certification affords the practical means of establishing the fact that the shipments do comply and can be so identified.

Responsibility for obtaining inspection should fall primarily on the handler who first handles regulated carrots after they have been prepared for market since he is usually the person responsible for the grade, size, quality, pack and container in which the carrots are being shipped or handled. However, each handler regardless of whether the first or subsequent handler should be required to bear responsibility for determining that each of his shipments is inspected and certified. Identification and certification is essential to proper administration of the marketing agreement and order so that a determination may be made as to whether each shipment accords with regulations issued thereunder. The handler who first handles carrots should be required to obtain such inspection. Subsequent handlers should not be permitted to handle carrots unless a properly issued inspection certificate valid under the terms of the marketing agreement and order applies to such carrots. If a handler should receive carrots which have not been inspected he should be responsible for having them inspected before selling or transporting them. This procedure avoids the potential shift of responsibility which would be expected to occur in the absence of making each handler responsible for inspection and certification of any uninspected carrots handled by him. This requirement is also necessary so that the committee can obtain evidence in the form of inspection certificates to determine whether the requirements of regulations in effect are being met.

Whenever any shipments of carrots subject to regulation have been inspected, but are later dumped from the containers in which they were inspected, or the lot on which the inspection certificate was issued is broken up, such carrots can no longer be specifically identified with reference to the inspection certificate. If any such lot of carrots should thereafter be repacked, the repacked carrots have a new identity. However, any subsequent handling of such carrots should be in compliance with regulations in effect. Otherwise, effective regulation will not be obtained. Therefore, the order should provide that the committee may require the person who handles carrots after they have been repacked, resorted, or regraded to have such carrots reinspected and recertified prior to further handling so that the shipper thereof as well as subsequent handlers and the committee may determine that such shipments comply with regulations in effect and applicable to carrots that have been repacked or regraded.

The committee may prescribe rules and regulations, subject to approval by the Secretary, whereby any or all carrots inspected shall be identified by appropriate seals, stamps, or tags affixed to the containers by the handler. In areas where warehouse or lot inspections are used compliance problems under a marketing order program can be more difficult than in other areas where all lots are inspected at the time of loading. Also, in areas where truck movement is relatively important, compliance can be a problem. Both of these situations apply to the production area.

The marking requirement could be used if it was found that uninspected lots were being substituted for inspected warehouse lots, or if trucks were moving out of the production area with uninspected carrots when check stations are not being operated. Therefore, it is concluded that the provision for identifying shipments or containers by marking or labeling under appropriate rules and regulations recommended by the committee and approved by the Secretary may be necessary and incidental to successful operation of the marketing agreement and order, and should be included therein.

The committee with the approval of the Secretary should be authorized to determine the length of time an inspection certificate is valid insofar as the requirements of the proposed marketing agreement and order are concerned.

Such requirement is appropriate and necessary especially with respect to floor lot or platform inspections which might be administratively desirable to accommodate handlers and truckers. It would not be practical and feasible for the committee to rely upon inspection certificates which are not reasonably current.

Texas carrots are marketed soon after harvest and are therefore, perishable. If held for unreasonable lengths of time they could deteriorate to the point where they would not meet regulations in effect at actual time of shipment and would no longer conform to the findings on the inspection certificate.

Copies of inspection certificates issued pursuant to the requirements of the marketing agreement and order should be supplied to the committee promptly so it can discharge its administrative responsibilities under the program.

The committee should be authorized to recommend, and the Secretary to issue, regulations requiring that carrots transported by motor vehicle shall be accompanied by a copy of the inspection certificate issued thereon or by other approved evidence of inspection. These requirements may include the surrender of such documents to such authority or agency as designated by the Secretary upon committee recommendation. The committee is authorized under the marketing agreement and order to administer its terms and provisions and this procedure enables the committee to enforce regulations in connection with the movement of carrots passing through compliance check stations which may be set up along the production area boundary. Since a sizable percentage of carrots produced in the production area move by truck such authority is necessary to effectuate the other provisions of the marketing agreement and order.

(i) The committee should have authority, with the approval of the Secretary, to require that handlers submit to it such reports and information as are needed to perform its functions. It is difficult to anticipate every type of report, or kind of information, which the committee may need in administering the program, but it should have the authority, subject to the approval of the Secretary, to request reports and information if needed, of the type set forth in the marketing agreement and order. The standards to be followed by the committee in requesting handlers to furnish reports should be along the lines set forth in § 1032.80 of the marketing agreement and order and such reports should be those necessary for operation of the committee in carrying out its responsibilities under the marketing agreement and order. Reports furnished to the committee should be submitted in such manner and at such times as may be designated by it. Such reporting procedures should accord with the need and requirements of the committee which are essential to administration of the marketing order because changing conditions may warrant changes in the forms and methods of reporting. The right to approve, and also to modify, change, or rescind, any requests by the committee for information in order to protect handlers from unreasonable requests for reports is retained by the Secretary.

Since it is possible that a question may arise with respect to compliance with the marketing agreement and order, each handler should maintain complete records of his handling and disposition of carrots for a period of not less than two years subsequent to the termination of each crop year.

Any and all reports and records submitted for committee use by handlers shall remain under appropriate protective classification and be disclosed to none other than persons authorized by the Secretary. Such reports would become part of the committee's and the Secretary's records.

(j) Except as provided in the marketing agreement and order, no handler should be permitted to handle carrots, the handling of which is prohibited pursuant to regulations issued under the marketing agreement and order and regulations issued thereunder. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of carrots handled by him, such action would, in any appreciable aggregate, tend to impair operation of the program and otherwise render it ineffective.

(k) The provisions of §§ 1032.82 through 1032.92, as published in the FEDERAL REGISTER of May 13, 1960 (25 F.R. 4285), and as hereinafter set forth, are common to marketing agreements and orders now operating. The provisions of §§ 1032.93 through 1032.95, as hereinafter set forth, are also included in other marketing agreements now operating. Each of such sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the marketing agreement and order. These provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the Act, and are necessary to effectuate the other provisions of the marketing agreement and order and to effectuate the declared policy of the Act. The substance of such provisions, therefore, should be included in the marketing agreement and order.

General findings. Upon the basis of evidence introduced in the hearing and the record thereof it is found that:

(1) The marketing agreement and order as hereinafter set forth, and all of the terms and provisions thereof, will tend to effectuate the declared policy of the Act with respect to carrots produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such carrots above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such carrots as will be in the public interest;

(2) The said marketing agreement and order authorizes regulation of the handling of carrots grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement and order upon which the hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the Act; and the issuance of several marketing agreements and orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the Act;

(4) The said marketing agreement and order prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of carrots grown in the production area; and

(5) All handling of carrots as defined in the said marketing agreement and order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order are recommended as to the detailed means by which the aforesaid conclusions may be carried out.

DEFINITIONS

§ 1032.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1032.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 1032.3 Person.

"Person" means an individual, partnership, corporation, association or any other business unit.

§ 1032.4 Production area.

"Production area" means the counties of Pecos, Terrell, Reeves, Val Verde, Kinney, Uvalde, Medina, Bexar, Wilson, Karnes, Goliad, Victoria, Calhoun, Maverick, Zavala, Frio, Atascosa, Dimmit, La Salle, McMullen, Live Oak, Bee,

Refugio, Webb, Duval, Jim Wells, San Patricio, Nueces, Zapata, Jim Hogg, Brooks, Kenedy, Kleberg, Starr, Comal, Hays, Bastrop, Caldwell, Guadalupe, Gonzales, Fayette, Colorado, Lavaca, Aransas, De Witt, Jackson, Wharton, Matagorda, Hidalgo, Willacy and Cameron, in the State of Texas.

§ 1032.5 Carrots.

"Carrots" means all varieties of Daucus carota commonly known as carrots and grown within the production area.

§ 1032.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of carrots owned by another person) who handles carrots or causes carrots to be handled.

§ 1032.7 Handle.

"Handle" or "ship" means to package, sell, transport, or in any way to place carrots in the current of the commerce within the production area or between the production area and any point outside thereof: *Provided,* That such terms shall not include the transportation, sale, or delivery of carrots to a registered handler.

§ 1032.8 Registered handler.

"Registered handler" means any person with adequate facilities for preparing carrots for commercial market, who customarily does so, and who is so recorded by the committee, or any person who has access to such facilities and has recorded with the committee his ability and willingness to assume customary obligations of preparing carrots for commercial market.

§ 1032.9 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of carrots for market.

§ 1032.10 Grading.

"Grading" is synonymous with "preparation for market" and means the sorting or separation of carrots into grades, sizes, and packs for market purposes.

§ 1032.11 Grade and size.

"Grade" means any of the established grades of carrots and "size" means any of the established sizes of carrots as defined and set forth in all U.S. Standards for fresh carrots (§§ 51.2360 to 51.2381; 51.2455 to 51.2471; 51.2485 to 51.2498, inclusive of this title), U.S. Standards for Carrots for Processing (effective January 17, 1944), or U.S. Consumer Standards for fresh carrots (§§ 51.495 to 51.513, inclusive of this title), issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

§ 1032.12 Pack.

"Pack" means a quantity of carrots in any type of container and which falls within specific weight limits, numerical limits, grade limits, size limits, or any combination of these recommended by the committee and approved by the Secretary.

§ 1032.13 Container.

"Container" means a box, bag, crate, hamper, basket, package, bulk load or any other receptacle used in the packaging, transportation, sale, or shipment of carrots.

§ 1032.14 Varieties.

"Varieties" means and includes all classifications, subdivisions, or types of carrots according to these definitive characteristics now or hereafter recognized by the United States Department of Agriculture or recommended by the committee, and approved by the Secretary.

§ 1032.15 Committee.

"Committee" means the South Texas Carrot Committee, established pursuant to § 1032.22.

§ 1032.16 Fiscal period.

"Fiscal period" means the annual period beginning and ending on such dates as may be approved by the Secretary pursuant to recommendations of the committee.

§ 1032.17 District.

"District" means each of the geographic divisions of the production area initially established pursuant to § 1032.25 or as reestablished pursuant to § 1032.26.

§ 1032.18 Export.

"Export" means to ship carrots to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

COMMITTEE

§ 1032.22 Establishment and membership.

(a) The South Texas Carrot Committee, consisting of fifteen members, ten of whom shall be producers and five shall be handlers, is hereby established. For each member of the committee there shall be an alternate.

(b) Each person selected as a producer member or alternate shall be an individual who is a producer, or an officer or an employee of a producer, in the district for which selected. Each person selected as a handler member or alternate shall be an individual who is a handler or an officer or an employee of a handler in the district for which selected. Members and alternates shall be residents of the production area.

§ 1032.23 Selection.

The Secretary shall select members and their respective alternates from districts as established pursuant to § 1032.25 or § 1032.26. Initial selections shall be as follows:

District No. 1—2 producer members and alternates, 1 handler member and alternate.

District No. 2—2 producer members and alternates, 2 handler members and alternates.

District No. 3—6 producer members and alternates, 2 handler members and alternates.

§ 1032.24 Term of office.

(a) The term of office of committee members and their respective alternates shall be for two years and shall begin as of August 1 and end as of July 31. The terms shall be so determined that about one-half of the total committee membership shall terminate each year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1032.25 Districts.

For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1. The Counties of Medina, Bexar, Atascosa, Wilson, Hays, Karnes, Comal, Bastrop, Caldwell, Guadalupe, Gonzales, Fayette, Colorado, Lavaca, and De Witt in the State of Texas.

District No. 2. The Counties of Pecos, Terrell, Reeves, Val Verde, Kinney, Maverick, Zavala, Frio, Dimmit, La Salle, Webb, Duval, Zapata McMullen, Uvalde, Jim Hogg and Live Oak, in the State of Texas.

District No. 3. The Counties of Bee, Goliad, Victoria, Calhoun, Refugio, San Patricio, Jim Wells, Nueces, Kleberg, Brooks, Kenedy, Aransas, Starr, Hidalgo, Willacy, Cameron, Jackson Wharton, Matagorda, in the State of Texas.

§ 1032.26 Reestablishment.

The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in carrot acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in prompting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 1032.27 Nomination.

The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers and handlers shall be held for each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by the Department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be

held prior to June 15 of each year, after the effective date of this subpart;

(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee.

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15 of each year;

(d) Only producers may participate in designating producer nominees and only handlers may participate in naming handler nominees. In the event a person is engaged in producing or handling carrots in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees; and

(e) Regardless of the number of districts in which a person produces carrots, each such person is entitled to cast only one vote on behalf of himself; his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 1032.28 Failure to nominate.

If nominations are not made within the time and in the manner specified in § 1032.27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 1032.22 through 1032.26, inclusive.

§ 1032.29 Acceptance.

Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1032.30 Vacancies.

To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list for the district involved, or from nominations made in the manner specified in § 1032.27. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 1032.22 through 1032.26, inclusive.

§ 1032.31 Alternate members.

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence, or when designated to do so by the member for whom he is an alternate. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 1032.32 Procedure.

(a) Ten members of the committee shall be necessary to constitute a quorum. Eight concurring votes or two-thirds of votes cast whichever is greater shall be required to pass any motion or approve any committee action. At assembled meetings all votes shall be cast in person.

(b) The committee may meet by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be promptly confirmed in writing. At any unassembled meeting unanimous vote of all committee members voting will be required to approve any action.

§ 1032.33 Expenses and compensation.

Committee members and alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part. In addition they may receive compensation at a rate to be determined by the committee and approved by the Secretary, not to exceed $10 for each day, or portion thereof, spent in attending to committee business. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ 1032.34 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1032.35 Duties.

It shall be, among other things, the duty of the committee:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members and alternates, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person, and to protect the handling of committee funds through fidelity bonds;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to carrots;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege;

(i) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or by his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(j) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(k) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. A copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(l) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 1032.40 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of carrots under regulation handled by the first handler thereof during a fiscal period and the total quantity of carrots under regulation handled by all handlers as first handlers thereof during such fiscal period.

§ 1032.41 Budget.

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 1032.42 Assessments.

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles carrots, which are regulated under this part, shall pay assessments to the committee upon demand, which assessments shall be in payment

of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all carrots which were regulated under this part and which were handled by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

§ 1032.43 Accounting.

(a) Assessments collected in excess of expenses incurred shall be accounted for in accordance with one of the following:

(1) Excess funds not retained in a reserve, as provided in subparagraph (2) of this paragraph, shall be refunded proportionately to the persons from whom they were collected.

(2) The committee, with the approval of the Secretary, may carry over excess funds into subsequent fiscal periods as reserves: *Provided,* That funds already in reserves do not equal approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray expenses during any fiscal period prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, and (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate. To the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided for in this part. The Secretary may at any time require the committee and its members to account for all receipts, and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

(d) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

RESEARCH AND DEVELOPMENT

§ 1032.48 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of carrots. The expenses of such projects shall be paid from funds collected pursuant to § 1032.42.

REGULATION

§ 1032.50 Marketing policy.

(a) At the beginning of each season, and as the Secretary may require, the committee shall prepare a marketing policy. Such policy shall indicate the data on carrot supplies and demand on which the committee bases its judgments and recommendations. It shall indicate also the kind or types of regulations contemplated during the ensuing season, and, to the extent practical, shall include recommendations for specific regulations. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available generally.

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate consideration to carrot supplies for the remainder of the season, with special consideration to:

(1) Estimates of total supplies including grade, size, and quality thereof, in the production area;

(2) Estimates of supplies in competing areas;

(3) Market prices by grades, sizes, containers, and packs;

(4) Estimates of supplies of competing commodities;

(5) Anticipated marketing problems;

(6) Level and trend of consumer income; and

(7) Other relevant factors.

§ 1032.51 Recommendations for regulations.

Upon complying with the requirements of § 1032.50, the committee may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policy of the Act.

§ 1032.52 Issuance of regulations.

(a) The Secretary shall limit by regulations the handling of carrots whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared purpose of the Act.

(b) Such regulations may:

(1) Limit in any or all portions of the production area the handling of particular grades, sizes, qualities or packs or any combination thereof, of any or all varieties of carrots during any period;

(2) Limit the handling of particular grades, sizes, qualities, or packs of carrots differently for different varieties, for different markets, for different containers, for different portions of the production area, or any combination of the foregoing, during any period;

(3) Limit the handling of carrots by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity;

(4) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, preparation for market, shipment, or other handling of carrots.

(c) Regulations issued hereunder may be amended, modified, suspended, or terminated whenever it is determined:

(1) That such action is warranted upon recommendation of the committee or other available information;

(2) That such action is essential to provide relief from inspection, assessment, or regulations under paragraph (b) of this section, for minimum quantities less than customary commercial transactions; or

(3) That regulations issued hereunder no longer tend to effectuate the declared policy of the Act.

§ 1032.53 Handling for special purposes.

Regulations in effect pursuant to § 1032.42, §1032.52 or § 1032.60 may be modified, suspended, or terminated to facilitate handling of carrots for (a) livestock feed; (b) export; (c) relief or charity; (d) experimental purposes; (e) other purposes which may be recommended by the committee and approved by the Secretary.

§ 1032.54 Safeguards.

The committee, with the approval of the Secretary, may establish through rules such requirements as may be necessary to establish that shipments made pursuant to § 1032.53 were handled and used for the purpose stated.

§ 1032.55 Notification of regulation.

The Secretary shall promptly notify the committee of regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

INSPECTION

§ 1032.60 Inspection and certification.

(a) Whenever the handling of carrots is regulated pursuant to § 1032.52, or at

other times when recommended by the committee and approved by the Secretary, no handler shall handle carrots unless such carrots are inspected by an authorized representative of the Federal or Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 1032.52(c) or § 1032.54, or paragraph (b) of this section.

(b) Regrading, resorting, or repacking any lot of carrots shall invalidate any prior inspection certificate insofar as the requirements of this section are concerned. No handler shall handle carrots after they have been regraded, resorted, repacked or in any way additionally prepared for market, unless such carrots are inspected by an authorized representative of the Federal or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, or repacked carrots may be modified, suspended, or terminated upon recommendation by the committee, and approval of the Secretary.

(c) Upon recommendation of the committee and approval by the Secretary, any or all carrots so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of a Federal or Federal-State Inspector or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When carrots are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of carrots by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or other document authorized by the committee to indicate that such inspection has been performed. Such certificate or document shall be surrendered to such authority as may be designated.

REPORTS

§ 1032.80 Reports.

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of carrots received by a handler; (2) the quantities disposed of by him segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such carrots; and (4) identification of the inspection certificates relating to the carrots which were handled pursuant to § 1032.52 or § 1032.53, or both.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the carrots received, and of carrots disposed of, by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

COMPLIANCE

§ 1032.81 Compliance.

Except as provided in this subpart, no handler shall handle carrots, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle carrots except in conformity to the provisions of this subpart.

MISCELLANEOUS PROVISIONS

§ 1032.82 Right of the Secretary.

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1032.83 Effective time.

The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1032.84 Termination.

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production of carrots for market: *Provided,* That such majority has, during such representative period, produced for market more than fifty percent of the volume of such carrots produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ 1032.85 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of liquidating the affairs of the committee of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1032.86 Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 1032.87 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1032.88 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the United States Department of Agriculture, to act as his

agent or representative in connection with any of the provisions of this subpart.

§ 1032.89 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1032.90 Personal liability.

No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1032.91 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1032.92 Amendments.

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 1032.93 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 1032.94 Additional parties.

After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 1032.95 Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of carrots in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the Act, such an order.[1]

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or may be there inspected.

Dated: August 2, 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-7299; Filed, Aug. 5, 1960; 8:45 a.m.]

[1] Applicable only to the proposed agreement.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition Regarding Use of Octafluorocyclobutane

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition has been filed by E. I. du Pont de Nemours and Company, Wilmington 98, Delaware, proposing the issuance of a regulation to establish the safe use of octafluorocyclobutane as a propellant and aerating agent for foamed food.

Dated: August 2, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-7339; Filed, Aug. 5, 1960; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 47]

[Reg. Docket No. 471; Draft Release No. 60-13]

CERTIFICATION AND OPERATION RULES GOVERNING THE CARRIAGE OF PERSONS OR PROPERTY FOR COMPENSATION OR HIRE WITH SMALL AIRCRAFT

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to revise Part 47 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received by October 31, 1960, will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received. If the comments received indicate that further consideration of particular items is warranted, final rule making action on those items will be withheld for further study and coordination with industry. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

Other unresolved items concerning operations within the scope of Part 47 are under consideration and may be submitted for public comment in later proposals.

Part 47 was adopted by the Civil Aeronautical Board on December 30, 1958, with an effective date of July 1, 1959 (24 F.R. 91). This new part prescribed certification and operation rules for air taxi operators required by Special Civil Air Regulation No. SR-395A to comply with the certification and operation rules of Part 42 of the Civil Air Regulations. It also prescribed operation rules for commercial operators using small aircraft (including helicopters) required by Part 45 to comply with the operating rules of Part 42.

By Amendments 47-1 (24 F.R. 5289) and 47-2 (24 F.R. 10192), the effective date of Part 47 was postponed by the Federal Aviation Agency until July 1, 1960, to permit a revision of the part to be prepared and published as a notice of proposed rule making. Effective July 1, 1960, Amendment 47-3 postponed the effective date of Part 47 indefinitely, since the time required to complete a rule making proceeding for the revised part, and allow a reasonable time for industry preparation for its implementation, could not be precisely determined.

The revision of Part 47 proposed in this notice contains numerous modifications in format and substance and is designed to eliminate the need for explanatory material. A cross-reference of section numbers in the present and proposed parts is included to simplify review of the proposed changes. The following significant changes have also been incorporated in its provisions:

1. *Applicability of proposed Part 47 (§ 47.1).* As revised, the scope of proposed Part 47 will extend to and govern operations conducted with small aircraft by air taxi operators, Alaskan air taxi operators, and persons engaging in the carriage in air commerce of persons or property for compensation or hire other than in the capacity of an air carrier. In addition, the revised part will apply to air carriers holding scheduled air carrier operating certificates issued under Part 40, 41, or 46 of the Civil Air Regulations in the conduct of charter trips or other special services with small aircraft. However, such an air carrier could elect to conduct such operations, between points it is authorized to serve by the terms of its scheduled air carrier operating certificate, in accordance with the provisions of Part 40, 41, or 46 as appropriate, in lieu of Part 47. Finally, the revised part will also apply to operations conducted with small aircraft by air carriers holding supplemental air carrier operating certificates issued under Part 42 of the Civil Air Regulations.

The amendment postponing the effective date of Part 47 indicated that its scope would be extended to include all operations with small aircraft conducted

by Alaskan air carriers. These air carriers are certificated under Part 41 of the Civil Air Regulations and, through its enabling provisions, are presently permitted to operate under the less restrictive operating rules of Part 42 of the Civil Air Regulations. We believe that, since these air carriers are conducting scheduled operations under the authority of certificates of public convenience and necessity, they should remain subject to the provisions of Part 41.

When Part 47 becomes effective, Alaskan air carriers will be permitted to conduct their scheduled operations with small aircraft under its operating provisions in lieu of those of Part 42, unless otherwise specified in their operations specifications.

NOTE: When Part 47 becomes effective, Parts 42 and 45 of the Civil Air Regulations will be amended to limit their applicability to large aircraft operations.

2. *Continuance of existing authority.* In accordance with § 47.11, persons holding a valid air carrier operating certificate authorizing operations with small aircraft under the provisions of Part 42 of the Civil Air Regulations, who apply prior to the effective date of revised Part 47 for operating authority required by § 47.10(a), would be permitted to continue operations in accordance with the authority held until final action is taken on the application.

Persons who do not hold an air carrier operating certificate and have been conducting commercial operations with small aircraft under the provisions of Part 45 of the Civil Air Regulations would be required to secure an operating certificate under Part 47 before engaging in such operations after the effective date of this part. Applications from such persons would be given priority handling in order to eliminate or minimize any interruption of their operations. To this end, it would be desirable for such applications to be filed at least 30 days in advance of the effective date of this part.

3. *Operating certificate and operations specifications required for commercial operators using small aircraft (§§ 47.10 through 47.18).* Commercial operators using small aircraft have, by the provisions of Part 45 of the Civil Air Regulations, been required to comply with the operating rules of Part 42 of the Civil Air Regulations. Part 47, as adopted December 30, 1958, would require such commercial operators to comply with its provisions, with the exception of those pertaining to certification and operations specifications. This revised Part 47 proposes to require persons who do not hold an air carrier operating certificate to obtain and hold a commercial operator certificate and operations specifications when engaging in the carriage of persons or property for compensation or hire in air commerce with small aircraft as a commercial operator. This requirement is necessary to provide for proper surveillance and control of such operations.

Under this proposed revision of Part 47, a person holding an air carrier operating certificate other than an Alaskan air taxi operating certificate would not be eligible for, or required to obtain, a commercial operator certificate to engage, other than as an air carrier, in the carriage of persons or property for compensation or hire in air commerce. Such a person would, however, be required to hold operations specifications authorizing operations under Part 47 and to comply with the other provisions of the part. A person holding an Alaskan air taxi operating certificate who conducts operations as a commercial operator with small aircraft which he is prohibited by the Economic Regulations of the Board from using in Alaskan air taxi operations would be required to obtain a commercial operator certificate for such operations. He would not be required to hold a commercial operator certificate for commercial operations with small aircraft in which he is authorized to conduct operations as an Alaskan air taxi operator.

4. *Additional aircraft instruments and radio equipment and pilot instrument rating required for VFR night and over-the-top operations (§§ 47.32, 47.33, 47.36, and 47.80).* A pilot engaging in VFR night operations may often unexpectedly encounter unpredicted adverse weather conditions which necessitate the use of instruments to safely pilot the aircraft out of the area. Moreover, during flights on dark nights over areas in which few, if any, ground reference lights are available, control of the aircraft is, to a great extent, dependent upon reference to instruments. Instrument flight may also become necessary in over-the-top operations due to such things as mechanical emergencies and weather conditions. Therefore, to provide an acceptable level of safety when passengers are carried in such operations, it is proposed to require that the aircraft be equipped with the instruments and radio equipment specified in Part 43 of the Civil Air Regulations for IFR flight and that the pilot hold a currently effective instrument rating. These requirements would not apply in VFR day over-the-top operations when the aircraft is operated at such an altitude or under such conditions that descent or continuation of the flight under VFR could be accomplished in case of failure of the engine of a single-engine aircraft or the critical engine of a multi-engine aircraft.

5. *More adequate radio communication and navigational equipment required for IFR operations with passengers (§ 47.36).* The volume of IFR traffic and the complexities of the modern air traffic control system are such that additional radio equipment is considered necessary to provide an acceptable level of safety for passengers carried in IFR operations. The dual communications and navigational receiving equipment proposed would also provide an additional safety factor.

6. *Limited IFR operations with passengers in single-engine aircraft or multiengine aircraft which are unable to meet the present IFR en route performance requirements are permitted (§ 47.53(c)).* IFR operations with passengers in single-engine aircraft or multiengine aircraft which are unable to meet the IFR en route performance requirements have long been controversial items. A principal objection to such operations is based on the contention that an acceptable level of safety would not be provided, due to the inherent hazard of engine failure.

The statistical reports of aircraft use and accidents in General Aviation operations indicate that the reliability record of modern aircraft engines used in small aircraft is excellent. These reports also show that the incidence of emergency landing accidents due to engine or propeller failure is very low with small aircraft and, in air taxi operations, is much lower than in General Aviation as a whole. It is believed that this difference can be attributed to higher maintenance and operational standards in air taxi and commercial operations.

We believe that, with appropriate limitations, IFR passenger operations with these aircraft could be safely conducted. It is also believed that the safety level of such operations would be at least equal to that of VFR night operations with such aircraft as permitted in Part 42 and in Part 47 as originally adopted. Therefore, it is proposed to permit IFR operations with passengers in single-engine aircraft and multiengine aircraft which are unable to meet the IFR en route performance requirements of §§ 42.82 and 47.31(a) of the Civil Air Regulations: *Provided,* That certain specified ceiling and visibility minimums exist along the entire routes (including departure and approach) flown under IFR. This ceiling and visibility "buffer" is intended as an additional safeguard by providing for VFR conditions beneath the overcast in case engine malfunctioning should necessitate an emergency landing or descent to a lower altitude.

7. *A ceiling and visibility "buffer" is required under certain conditions for VFR over-the-top operations with passengers (§ 47.53a).* For the same reason shown in item 6 above, we believe that safety requires an en route ceiling and visibility "buffer" beneath the overcast when single-engine aircraft, or multiengine aircraft which are unable to meet the en route performance requirements of § 47.53(b), are flown in VFR over-the-top operations with passengers. Therefore, it is proposed to require such "buffers" unless the aircraft is operated at such an altitude, or under such conditions, that descent or continuation of the flight under VFR could be accomplished in case of failure of the engine of a single-engine aircraft or the critical engine of a multiengine aircraft.

8. *Higher weather minimums and minimum flight altitude rules are prescribed for VFR operations with other than helicopters (§§47.60 and 47.61).* Present Part 47 provides that the weather minimums and minimum flight altitudes shown in Part 60 of the Civil Air Regulations shall apply. We believe that higher minimums are necessary to be consistent with the level of safety expected in air carrier and commercial operations. Accordingly, minimums which are essentially the same as those under which small aircraft operations are now carried on under Part 42 are proposed in this revision. However, in recogni-

tion of the fact that operations can be conducted safely in certain areas where relatively low ceilings and visibility exist, a provision has been included to permit operations with a ceiling of less than 1,000 feet when the visibility is two miles or more: *Provided*, That the minimum flight altitudes specified in this part and the clearance from clouds provisions of Part 60 of the Civil Air Regulations shall be adhered to at all times.

9. *More detailed provisions governing helicopter operations have been prescribed* (§§*47.60 47.61, and 47.62*). In view of the increasing use of helicopters in air taxi and commercial operations, more explicit operating rules and minimums are believed necessary to provide a satisfactory level of safety in such operations. Therefore, it is proposed to establish visibility minimums, minimum flight altitude rules, a requirement that approach-departure paths where emergency landing areas are available be used, and a fuel supply requirement for operations with helicopters.

10. *Increase in recent flight experience requirements for pilots in command and provision for flight check in lieu thereof* (*§ 47.81*). The recent experience requirements prescribed by Parts 42 and 47 of the Civil Air Regulations for a pilot in command of small aircraft provide that within the preceding 90 days he shall have made at least 3 take-offs and landings in an aircraft of the same type on which he is to serve. Due to the more complex nature of multiengine aircraft and the importance of current proficiency in emergency procedures pertinent thereto, the present recent experience requirements appear inadequate for pilots of such aircraft. It is, therefore, proposed to include additional small multiengine aircraft recent experience requirements which pilots in command of such aircraft must meet when passengers are to be carried.

The period in which the overall recent experience of 20 hours is to be met has been established at 6 months in this proposal to avoid unduly restricting pilots in areas where multiengine operations are seasonal in nature. It is also proposed that when these additional recent experience requirements have not been met, the pilot shall demonstrate a satisfactory level of proficiency before serving as pilot in command on such aircraft.

11. *Only the instrument and equipment items in excess of those required by Part 43 of the Civil Air Regulations are listed.* Part 43 of the Civil Air Regulations prescribes the minimum instruments and equipment required for each category of operation with civil aircraft in the United States. Section 47.2 of this proposed part makes the requirements of Part 43 applicable to all operations conducted under the provisions of this part unless otherwise specified. This means that the provisions of Part 43 would be applicable, both in and outside the United States. Therefore, to avoid repetition and to simplify the determination of the additional instruments and equipment which are required for each category of operation under this part, only the additional required items are listed. The one exception is in § 47.36 where, for the sake of clarity, the complete radio equipment requirements for all types of operations with passengers are shown. It is proposed to use a similar procedure in the revision as finally adopted.

In consideration of the foregoing, it is proposed to promulgate the attached Part 47 of the Civil Air Regulations in its entirety to replace the existing Part 47, adopted December 30, 1958.

These regulations are proposed under the authority of sections 313(a), 314(a), 601–610, 1102, of the Federal Aviation Act of 1958 (72 Stat. 752, 754, 775–780, 797; 49 U.S.C. 1354(a), 1355, 1421–1430, 1502).

Issued in Washington, D.C., on August 2, 1960.

B. PUTNAM,
Acting Director,
Bureau of Flight Standards.

Proposed revision of Part 47 of the Civil Air Regulations:

Subpart A—Applicability and Definitions

Subpart B—Certification Rules and Operations Specifications Requirements

Subpart C—Instruments and Equipment

Subpart D—Operation Rules

Subpart E—Flight Crew Requirements

Subpart A—Applicability and Definitions

§ 47.1 Applicability of this part.

The provisions of this part shall be applicable to the following persons engaging in the carriage of mail, persons, or property for compensation or hire with small aircraft:

(a) Air taxi operators;

(b) Alaskan air taxi operators;

(c) Alaskan air carriers when authorized under the provisions of § 41.1(a) of this chapter (Civil Air Regulations);

(d) Supplemental air carriers;

(e) Air carriers holding a scheduled air carrier operating certificate issued under Part 40, 41, or 46 of this chapter (Civil Air Regulations) when conducting charter trips and special services, except that such air carriers may elect to conduct charter trips and special services between those points they are authorized to serve under the terms of such certificate in accordance with Part 40, 41, or 46 of this chapter as the case may be; and

(f) Commercial operators, except that for the purpose of this provision, persons engaging in student instructions, banner towing, aerial application, and similar aerial work operations shall not be considered commercial operators in the conduct of such operations.

§ 47.2 Applicability of Parts 18, 43, and 60 of this chapter (Civil Air Regulations).

The provisions of Parts 18, 43, and 60 of this chapter (Civil Air Regulations) shall be applicable to all operations conducted under the provisions of this part unless otherwise specified in this part. (See § 47.65 for additional rules pertaining to international operations.)

§ 47.5 Definitions.

As used in this part, terms are defined as follows:

Administrator. The Administrator is the Administrator of the Federal Aviation Agency.

Air carrier. Air carrier means any citizen of the United States who undertakes directly, or by a lease or any other arrangement, to engage in air transportation.

Air commerce. Air commerce means interstate, overseas, or foreign air com-

merce or the transportation of mail by aircraft or any operation or navigation of aircraft within the limits of any Federal airway or any operation or navigation of aircraft which directly affects, or which may endanger safety in, interstate, overseas, or foreign air commerce.

Aircraft. An aircraft is any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air.

Airport. Airport means a landing area used regularly by aircraft for receiving or discharging passengers or cargo.

Air taxi operator. An air taxi operator is an air carrier who engages in air transportation subject to Part 298 of this title (Economic Regulations of the Board) and (1) does not utilize in such transportation any aircraft having a maximum certificated takeoff weight of more than 12,500 pounds, unless otherwise authorized by an exemption order from the Board, and (2) does not hold a certificate of public convenience and necessity or other economic authority issued by the Board.

Air transportation. Air transportation means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft.

Alaskan air taxi operator. An Alaskan air taxi operator is an air carrier who engages in air transportation solely within the State of Alaska subject to Part 293 of this title (Economic Regulations of the Board), and (1) does not utilize in such transportation any aircraft having a maximum certificated takeoff weight of more than 7,900 pounds, unless otherwise authorized by an exemption order from the Board, and (2) holds a letter of registration issued by the Board.

Approach-departure path (helicopter). An approach-departure path is a path for flight in a plane leading outward and upward from the end of the takeoff and landing area.

Authorized representative of the Administrator. An authorized representative of the Administrator is an employee of the Federal Aviation Agency authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

Board. Board means the Civil Aeronautics Board.

Cabin pressure altitude. Cabin pressure altitude means the pressure altitude corresponding with the pressure in the cabin of the airplane.

NOTE: For airplanes not equipped with pressurized cabins, "cabin pressure altitude" and "flight altitude" shall be considered identical.

Calendar month. A calendar month is that period of time extending from the first day of any month as delineated by the calendar through the last day thereof. (A period of 12 calendar months would extend from any day within any month to the end of the last day af the same month of the following year.)

Category of aircraft. A category of aircraft is a broad classification with distinct configuration and operating characteristics such as airplane, helicopter, or glider.

Check pilot. A check pilot is a pilot designated by the operator and approved by an authorized representative of the Administrator to examine other pilots utilized by the operator, to determine their proficiency with respect to procedures and techniques and their competence to perform their duties.

Citizen of the United States. Citizen of the United States means (1) an individual who is a citizen of the United States or of one of its possessions, or (2) a partnership of which each member is such an individual, or (3) a corporation or association created or organized under the laws of the United States or of any State, Territory, or possession of the United States, of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions.

Commercial operator. A commercial operator is a person engaging in the carriage in air commerce of persons or property for compensation or hire other than in the capacity of an air carrier. (Generally, a person may be described as a commercial operator when he engages in operations as a private carrier for hire on an interstate or intrastate basis, or as a common carrier on an intrastate basis. Under circumstances where it is doubtful whether such operations are for "compensation or hire," the test to be applied is whether the air carriage is merely incidental to the operator's other business or is, in and of itself, a major enterprise for profit.)

Crewmember. A crewmember is any individual assigned by the operator for the performance of duty on an aircraft in flight.

Critical engine. The critical engine is that engine the failure of which gives the most adverse effect on the performance characteristics of the aircraft. (See the airworthiness requirements under which the aircraft was type certificated for the manner in which such engine is determined.)

Day. Day is the time between the beginning of morning civil twilight and the end of evening civil twilight as published in the American Air Almanac and converted to local time for the locality concerned.

Extended overwater operation. An extended overwater operation is a flight conducted over water more than 50 miles from the nearest shoreline.

Flight altitude. Flight altitude means the altitude above sea level at which the aircraft is operated.

Flight crewmember. A flight crewmember is a crewmember assigned to flight deck duty on an aircraft.

Flight time. Flight time is the total time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the next point of landing (block-to-block time).

IFR. IFR is the symbol used to designate instrument flight rules.

IFR weather conditions. IFR weather condtions are weather conditions less than the minimums prescribed for flight under VFR of Part 60 of this chapter (Civil Air Regulations).

Interstate air commerce. "Interstate air commerce", "overseas air commerce", and "foreign air commerce", respectively, mean the carriage by aircraft of persons or property for compensation or hire, or the carriage of mail by aircraft, or the operation or navigation of aircraft in the conduct or furtherance of a business or vocation, in commerce between, respectively:

(1) A place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States through the airspace over any place outside thereof; or between places in the same Territory or possession of the United States, or the District of Columbia;

(2) A place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States; or between a place in a Territory or possession of the United States; and

(3) A place in the United States and any place outside thereof;

whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

Interstate air transportation. "Interstate air transportation", "overseas air transportation", and "foreign air transportation", respectively, mean the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft, in commerce between, respectively:

(1) A place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States through the airspace over any place outside thereof; or between places in the same Territory or possession of the United States, or the District of Columbia;

(2) A place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States; or between a place in a Territory or possession of the United States, and a place in any other Territory or possession of the United States; and

(3) A place in the United States and any place outside thereof;

whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

Landing area. A landing area is an area of land or water which is used or intended for use for the takeoff or landing of aircraft.

Maximum certificated takeoff weight. Maximum certificated takeoff weight is the maximum takeoff weight authorized by the terms of the aircraft airworthiness certificate.

Night. Night is the time between the ending of evening civil twilight and the beginning of morning civil twilight as published in the American Air Almanac converted to local time for the locality concerned.

NOTE: The American Air Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of

Documents, Government Printing Office, Washington 25, D.C. Information concerning such tables is also available in the offices of the Federal Aviation Agency or the United States Weather Bureau.

Operation of aircraft. Operation of aircraft or operate aircraft means the use of aircraft, for the purpose of air navigation and includes the navigation of aircraft. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, leasee, or otherwise) of the aircraft, shall be deemed to be engaged in the operation of aircraft.

Operations specifications. Operations specifications are rules of particular applicability issued by an authorized representative of the Administrator and are not part of the operating certificate.

Operator. Operator is an air carrier, commercial operator, or other person subject to the provisions of this part.

Over-the-top. Over-the-top means the operation of an aircraft above a layer of clouds or obscuring phenomena that is reported as "broken", "overcast", or "obscuration" and not classified as "thin" or "partial."

Passenger. A passenger is an individual other than a crewmember, company employee, or an authorized Government representative.

Person. Person means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

Pilot in command. A pilot in command is the pilot designated by the operator as the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

Second pilot. A second pilot is a certificated pilot serving in any piloting capacity other than as pilot in command on an aircraft equipped with dual controls.

Show or shows. Show or shows means to demonstrate or prove to the satisfaction of the Administrator or his authorized representative prior to the issuance of an operating certificate and at any time thereafter upon request.

Small aircraft. Small aircraft means aircraft having a maximum certificated takeoff weight of 12,500 pounds or less.

Type of aircraft. Type of aircraft is a specific classification of aircraft having the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics.

NOTE: In general, aircraft of a particular type are of the same make and basic model.

VFR. VFR is the symbol used to designate visual flight rules.

Subpart B—Certification Rules and Operations Specifications Requirements

§ 47.10 Certificates required.

No person subject to this part shall conduct operations without, or in violation of an appropriate operating certificate. The appropriate operating certificates are as follows:

(a) *Air carrier operating certificates.* An air carrier operating certificate issued pursuant to the provisions of this part is required for operations conducted as an air taxi operator or an Alaskan air taxi operator. Other air carriers subject to the provisions of this part shall not be required to obtain, or be eligible for the issuance of, an additional operating certificate to conduct operations subject to this part with small aircraft. In lieu of an additional certificate such air carriers shall obtain an appropriate amendment to their operations specifications authorizing operations with small aircraft.

(b) *Commercial operator certificate.* A commercial operator certificate issued pursuant to the provisions of this part is required for operations conducted as a commercial operator with small aircraft. Such certificate is also required for a commercial operator holding a commercial operator certificate authorizing operations with large aircraft. Other persons subject to the provisions of this part shall not be required to obtain, or be eligible for the issuance of, a commercial operator certificate to conduct operations with small aircraft as a commercial operator except an Alaskan air taxi operator using small aircraft with a maximum certificated takeoff weight of more than 7,900 pounds in the conduct of its operations as a commercial operator.

§ 47.11 Renewal of existing operating authority.

Any person engaging in operations to which this part becomes applicable and holding a currently effective air carrier operating certificate authorizing operations with small aircraft under Part 42 of this chapter (Civil Air Regulations) who files an application for operating authority required by § 47.10(a) prior to the effective date of this part, may continue operations in accordance with the authority held at the time of filing until final action has been taken on such application, unless such authority is sooner suspended, revoked, or otherwise terminated.

§ 47.12 Application for operating authority.

An application for an air carrier or commercial operator certificate required by § 47.10 shall be made in triplicate on an FAA application form and shall be filed with the local Federal Aviation Agency District Office. The application shall show the true name(s) of the operator and any business name(s) under which he operates. Application forms may be secured from any local Federal Aviation Agency District Office. Persons required by § 47.10(a) to obtain an amendment to their operations specifications for authority to operate small aircraft in air carrier operations subject to this part shall make application for such an amendment in accordance with the provisions of § 47.19(a).

§ 47.13 Issuance of operating authority.

(a) Operating authority required by § 47.10 will be issued to an applicant who is a citizen of the United States and shows that he is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this part: *Provided,* That an applicant, who is required to hold economic authority issued by the Board, will not be issued operating authority pursuant to this part until such economic authority is obtained from the Board.

(b) A person shall not operate under more than one business name unless his operating certificate contains the names and addresses of his principal business office and all other business offices used.

NOTE: For example, John Doe doing business as (d/b/a) "Toledo Airways" in Ohio may wish to operate as "Carolina Airways" while based at Raleigh, North Carolina. All operating names and the addresses of the principal business office and other business offices used by the certificate holder shall be set forth in the certificate.

§ 47.14 Display of certificates and operations specifications.

Operating certificates and operations specifications issued under this part shall be kept by the operator at the principal business office required by § 47.50 (a) and (b) and made available for inspection by an authorized representative of the Administrator.

§ 47.15 Duration, renewal, and reissuance of certificate.

(a) An air carrier or commercial operator certificate issued pursuant to this part shall expire 24 calendar months after the date of issuance or renewal thereof, unless such certificate has been sooner surrendered, suspended, revoked, or otherwise terminated.

(b) An application for renewal or reissuance of an air carrier or commercial operator certificate shall be made in triplicate on the prescribed form and shall be submitted to the local Federal Aviation Agency District Office. The application for renewal shall be submitted within 60 days prior to the month of expiration. If desired, application for renewal may also be submitted whenever an application is made for amendment of operating authorization which necessitates a complete inspection of the operator's facilities and equipment. In such cases, the duration of any certificate issued will be 24 calendar months from the month of issuance.

(c) An operating certificate will be renewed or reissued if, upon investigation and examination, it is found that the operator meets the requirements of this part.

§ 47.16 Transferability of certificate.

An operating certificate is not transferable.

§ 47.17 Surrender of certificate and operations specifications.

Upon the suspension, revocation, termination, or cancellation of an operating certificate the holder thereof shall surrender the certificate and the operations specifications to an authorized representative of the Administrator.

§ 47.18 Operations specifications.

(a) On and after the effective date of this part all operations specifications previously issued to any person subject to this part and currently in effect shall

cease to be a part of any operating certificate and shall be deemed to be operations specifications issued under this part. Thereafter such new or amended specifications as are required for operations under this part will be issued by an authorized representative of the Administrator.

(b) No person shall conduct any operations governed by this part without operations specifications issued pursuant to the provisions of this part, or in violation of the terms of such operations specifications.

(c) The operations specifications shall contain the following: Types of operations authorized; category and class of aircraft with which operations are authorized; geographical area of operations; and such additional items as are necessary to cover a particular situation.

NOTE: Areas of operation will be described by geographical terms such as "Puerto Rico," "Canada," "Guatemala," "Continental United States (excluding or including Alaska)", etc.

(d) Prior to issuance of operations specifications, the applicant shall have qualified personnel and appropriate equipment available for each type of operation applied for.

(e) The operator shall keep his personnel informed with respect to the contents of the operations specifications and all amendments thereto applicable to the individual's duties and responsibilities.

§ 47.19 Amendment of operations specifications.

(a) An operator may apply for amendment of his operations specifications. The application shall be made in the appropriate portion of a blank operations specifications form. The application shall be submitted in quadruplicate to the local Federal Aviation Agency District Office.

(b) Failure of an operator to provide aircraft, pilots, or equipment to meet the requirements for any authorization contained in the operations specifications shall be cause for deletion of such authorization from the operations specifications.

(c) Any operations specifications may be amended by an authorized representative of the Administrator if it is found that safety of the operations so requires or permits.

§ 47.20 Deviation.

Whenever it is found that the general standards of safety require or permit a deviation from any specific requirement of this part, operations specifications providing for such deviation will be issued.

§ 47.21 Inspection authority.

An authorized representative of the Administrator shall be permitted at any time and place to make inspections or examinations, including en route inspections, to determine compliance with the Civil Air Regulations and operations specifications.

§ 47.22 Advertising.

No person subject to this part shall offer through advertising media or other means, air carrier or commercial operator services other than those authorized in his operations specifications.

§ 47.23 Maintenance of equipment, facilities, and material.

(a) The operator shall maintain all required equipment, facilities, and material in conformity with the standards required for original issuance of the operating certificate and operations specifications.

(b) Aircraft shall be maintained and inspected in accordance with the provisions of Parts 18 and 43 of this chapter (Civil Air Regulations), except that air carrier and commercial operator aircraft certificated to be operated under the provisions of Part 40, 41, 42, 45, or 46 of this chapter may be maintained under the provisions of such part.

Subpart C—Instruments and Equipment

§ 47.30 Instrument and equipment standards.

Instruments and equipment used in operations under this part shall meet one of the following standards:

(a) Type certification.

(b) Supplemental type certification.

(c) Technical standard order.

(d) Installation in aircraft as a part of type certification.

(e) Approval by the aircraft manufacturer under delegated option authority.

(f) Approval by an authorized representative of the Administrator.

(g) Other standards specifically set forth in this part.

§ 47.31 Additional instruments and equipment for all operations.

The following instruments and equipment in addition to those required by § 43.30 of this chapter (Civil Air Regulations) for VFR day operations are required for all operations under this part:

(a) Sensitive altimeter;

(b) Carburetor heating or deicing equipment for each engine or alternate air source for pressure-type carburetors;

(c) A seat for each occupant; and

(d) In passenger service, a minimum of 2 hand-type fire extinguishers, one of which is installed in the pilot compartment, the other accessible to the passengers, unless the aircraft is so designed that the fire extinguisher in the pilot compartment is directly available to passengers, in which case only one fire extinguisher is required. Such extinguishers shall be approved by the Underwriters' Laboratories and shall have a minimum capacity, if carbon tetrachloride, of 1 quart; or, if carbon dioxide, of 2 pounds; or, if other, of equivalent effectiveness.

§ 47.32 Additional instruments and equipment for day VFR over-the-top operations with passengers.

When passengers are carried, aircraft used in day VFR "over-the-top" operations shall, in addition to the requirements of § 47.31 and Part 43 of this chapter (Civil Air Regulations), be equipped with instruments and equipment as follows:

(a) Gyroscopic rate-of-turn indicator combined with a slip-skid indicator (turn and bank indicator);

(b) Gyroscopic bank and pitch indicator (artificial horizon);

(c) Gyroscopic direction indicator (directional gyro or equivalent);

(d) Generator(s) of sufficient capacity for the equipment installed in the aircraft.

§ 47.33 Additional instruments and equipment for night operations with passengers.

The following instruments and equipment in addition to those required by § 47.31 and § 43.30 of this chapter (Civil Air Regulations) are required for operations conducted at night with passengers:

(a) Gyroscopic rate-of-turn indicator combined with a slip-skid indicator (turn and bank indicator);

(b) Gyroscopic band and pitch indicator (artificial horizon);

(c) Gyroscopic direction indicator (directional gyro or equivalent);

(d) One anti-collision light;

(e) Instrument lights providing sufficient illumination to make all instruments, switches, and gauges easily readable, so installed that their direct rays are shielded from the flight crewmembers' eyes;

(f) Generator(s) of sufficient capacity for the equipment installed in the aircraft; and

(g) One standard size two-cell flashlight in working condition.

§ 47.34 Additional instruments and equipment for IFR operations with passengers.

The following instruments and equipment in addition to those required by § 47.31 and § 43.30 of this chapter (Civil Air Regulations) are required for operations conducted under IFR with passengers:

(a) Vertical speed indicator (rate-of-climb indicator);

(b) Free-air temperature indicator (outside air temperature gauge);

(c) Power failure warning means or vacuum indicator on instrument panel connecting to lines leading to gyroscopic instruments;

(d) Heated pitot tube for each airspeed indicator;

(e) An alternate source of energy to supply gyroscopic instruments which shall be capable of carrying the required load. The installation shall be such that the failure of one source of energy will not interfere with the proper functioning of the instruments when the other source is used. Engine-driven pumps, when used, shall be on separate engines;

(f) An emergency source of static pressure capable of providing static pressure to the altimeter, airspeed, and the rate of climb indicators; and

(g) Generators as required to provide one on at least two engines of multiengine aircraft. The generators shall be of such capacity that 50 percent of the total units will provide sufficient capacity to operate essential equipment, radio, and instruments on the aircraft.

§ 47.35 Autopilot requirements.

(a) An approved autopilot system may be used in lieu of the second pilot required by § 47.80(b) when passengers are carried under IFR and IFR weather conditions.

(b) Application for authorization to use an autopilot system as provided in paragraph (a) of this section shall be submitted in writing to the local Federal Aviation Agency District Office and shall include the following:

(1) Make, model, and registration number of each aircraft to be utilized;

(2) Make, model, and serial number of the autopilot installed in each aircraft; and

(3) Name(s) of all pilot(s) to be utilized in such operations.

(c) Operations specifications authorizing use of an autopilot system in lieu of a second pilot will be issued if upon investigation it is found that the operator can demonstrate and conduct a safe operation in compliance with this part.

(d) An approved autopilot system is one that is type certificated or manufactured in compliance with a technical standard order. It shall be installed in a manner approved by an authorized representative of the Administrator and be capable of maintaining the heading of the aircraft in flight without attention by the pilot for periods of at least 5 minutes.

(e) An autopilot shall not be used in lieu of a second pilot in passenger-carrying operations under IFR conditions unless the pilot is familiar with the currently effective approach procedures, holding patterns, and reporting points appropriate to the operation to be conducted.

(f) Each pilot authorized to use an autopilot system in lieu of a second pilot shall demonstrate during the required 6-month instrument check his ability to conduct instrument operations competently without the assistance of a second pilot by demonstrating his ability to properly handle air-ground communications and complex air traffic control instructions. The standard of proficiency shall be equivalent to that obtained with the assistance of a second pilot handling air-ground communications and copying air traffic control instructions.

§ 47.36 Radio equipment for aircraft carrying passengers.

No aircraft shall be operated with passengers, unless equipped with radio systems that meet the requirements and standards specified below for the category of operations indicated.

(a) *VFR day.* Each aircraft operated in control zones shall be equipped with a two-way radio communication system.

(b) *VFR night and over-the-top.* Each aircraft shall be equipped with a two-way radio communication system and independent navigational equipment.

(c) *Equipment standards for VFR day and night operations.* Radio equipment required by paragraphs (a) and (b) of this section shall meet the following standards:

(1) Communications equipment shall be capable of transmitting to, and receiving communications from, ground facilities at least 25 miles from the aircraft when in flight;

(2) Navigational equipment shall be capable of receiving radio signals from the ground facilities to be used.

(d) *IFR operations.* Each aircraft shall be equipped with radio systems which will provide a transmitter, two independent means of receiving communications, and two independent means of receiving navigational signals. If appropriate, one or both of the receivers provided to meet the communications requirements may also be used in meeting the navigational requirements. In addition, each aircraft shall be equipped with at least one marker beacon receiver. The minimum radio equipment required to meet the requirements of this paragraph is as follows:

(1) One transmitter;

(2) Two microphones;

(3) Two headsets or one headset and one speaker; and

(4) Three receivers as follows:

(i) Two receivers for communications and for radio navigation appropriate to the ground facilities to be used;

(ii) One marker beacon receiver.

(e) *IFR operations outside the United States.* When operated outside the United States in extended overwater operations, each aircraft shall, in addition to the equipment required by paragraph (d) of this section, be equipped with an independent means of transmitting to at least one appropriate ground station from any point on the route.

(f) *Equipment standards for IFR operations.* Radio equipment required by paragraphs (d) and (e) of this section shall meet the following standards:

(1) Radio equipment for approach and landing shall be appropriate to the type of facility used;

(2) Communication equipment shall be capable of transmitting to and receiving from at least one ground station at any point on the route and of transmitting to and receiving from airport traffic control towers at least 25 miles from the aircraft when in flight; and

(3) Radio navigational equipment shall be capable of receiving radio navigational signals from at least one ground facility at any point on the route.

§ 47.37 Emergency equipment.

Each aircraft shall be equipped with readily available emergency equipment as follows:

(a) Each aircraft used in extended overwater operations shall be equipped with:

(1) Individual approved flotation gear readily available for each occupant;

(2) Liferafts sufficient in number and of such rated capacity and buoyancy as to accommodate all occupants of the aircraft; and

(3) A survival kit attached to each liferaft and containing at least the following items:

1 canopy (for sail, sunshade, or for rain catcher);
1 radar reflector (or similar device);
1 liferaft repair kit;
1 bailing bucket;
1 signaling mirror;
1 police whistle;
1 raft knife;
1 CO_2 bottle for emergency inflation;
1 inflation pump;
2 oars;
1 75-foot retaining line;
1 magnetic compass;
1 pyrotechnic pistol and 6 cartridges;
2-day supply of emergency food ration supplying at least 1,000 calories per day for each person;
1 seawater desalting kit for each 2 persons the raft is rated to carry, or 2 pints of water per person;
1 fishing kit; and
1 book on survival appropriate for the area.

(b) Each aircraft operated over or within any foreign country which requires emergency equipment for the preservation of life shall carry such equipment as is prescribed by the foreign country for the particular area and type of operation and for the number of passengers carried.

(c) When requesting a clearance to operate over or within any foreign country, the operator shall obtain the pertinent emergency equipment requirements.

NOTE: The International Flight Information Manual and the Alaska Flight Information Manual list emergency equipment required by local government for flight in certain areas.

(d) Prior to takeoff for overwater operations the pilot shall brief the passengers on the use of required flotation equipment. All other required emergency equipment shall be clearly identified.

§ 47.38 Oxygen requirements.

An adequate supply of oxygen and dispensing equipment shall be provided as follows:

(a) Oxygen requirements for aircraft not equipped with pressurized cabins:

(1) *Crewmembers.* Oxygen shall be provided for and continuously used by each crewmember in aircraft operated:

(i) At cabin pressure altitudes above 10,000 feet to and including 12,000 feet for the duration of flight in excess of 30 minutes;

(ii) At cabin pressure altitudes above 12,000 feet.

(2) *Other occupants.* (i) Oxygen shall be provided for at least one occupant other than crewmembers in aircraft operated at cabin pressure altitudes above 10,000 feet, to and including 15,000 feet, for the duration of the flight in excess of 30 minutes;

(ii) Oxygen shall be provided for all occupants other than crewmembers for the duration of the flight in aircraft operated at cabin pressure altitudes above 15,000 feet.

(b) Supplemental oxygen requirements for emergency descent and for first aid for aircraft with pressurized cabins:

(1) *Crewmembers.* (i) When operating at flight altitudes above 10,000 feet, oxygen shall be provided to permit compliance with paragraph (a)(1)(i) and (ii) of this section except that not less than a two-hour supply shall be provided for the flight crewmembers.

(ii) When operating at flight altitudes above 25,000 feet, one pilot at the controls of the aircraft shall wear and use an oxygen mask at all times and all other

flight crewmembers on flight deck duty shall be provided with oxygen masks, connected to appropriate supply terminals, which shall be worn in a manner that will permit immediate placing of the masks on their faces for use, properly secured and sealed: *Provided,* That the one pilot need not wear a mask at or below 30,000 feet [1] if all flight crewmembers are equipped with a quick-donning type of oxygen mask which is demonstrated to be satisfactory to a representative of the Administrator.

(2) *Other occupants.* (i) A 30-minute supply of oxygen shall be available for each occupant other than crewmembers when operating at flight altitudes above 14,000 feet if at any point along the route the airplane can descend safely to 14,000 feet or less within 4 minutes;

(ii) A one-hour supply of oxygen shall be available for each occupant other than crewmembers when operating at flight altitudes above 14,000 feet and descent to 14,000 feet or less cannot be made within 4 minutes;

(iii) *Briefing.* A crewmember shall give instructions and demonstrations to the occupants other than crewmembers in the normal and emergency use of oxygen, before flight is conducted at a flight or cabin pressure altitude of 10,000 feet or above.

(c) *Equipment standards.* The oxygen equipment and the minimum rates of oxygen flow necessary to comply with the requirements of this section shall meet the standards of § 47.30.

§ 47.39 Cockpit check list requirements.

(a) The operator shall provide a cockpit check list for each aircraft used. The check list shall be carried or installed in a readily accessible or readable location in the cockpit and shall be used by the flight crew.

(b) Cockpit check lists shall cover at least the following procedures:

(1) Prior to starting engine(s);
(2) Prior to takeoff;
(3) Cruise;
(4) Prior to landing;
(5) After landing; and
(6) Stopping engine(s).

(c) In addition, an emergency cockpit check list shall be provided for multiengine aircraft and aircraft equipped with retractable landing gear. This check list shall include at least the following procedures as applicable:

(1) Emergency operation of fuel, hydraulic, electrical, heating, pressurization, air, and other systems;

(2) Emergency operation of landing gear, propellers, flaps, brakes, steering, and other systems;

(3) Emergency operation of instruments and controls;

(4) Engine(s) inoperative procedures during takeoff, en route, landing, and go-around; and

(5) Other emergency procedures necessary in the interest of safety.

Subpart D—Operation Rules

§ 47.50 Facilities and material required.

(a) The operator shall provide a principal business office where all records required by this part shall be located.

[1] A proposal to increase this altitude to 35,000 feet is under consideration.

(b) The operator shall state in writing the location and address of his principal business office and shall not change its location without giving prior notice in writing to the local Federal Aviation Agency District Office.

(c) The operator shall provide at least the following current material appropriate to the operations authorized and aircraft used and shall assure that a copy of each is carried on every flight as required by the type of operation:

(1) For VFR operations: Parts 47, 43, and 60 of this chapter (Civil Air Regulations), Airman's Guide, Flight Information Manual (Alaska Airman's Guide and Flight Information Manual, if applicable) pertinent aeronautical charts, Airplane Equipment Manual(s), Owner's Manual or Handbook, and applicable performance charts prepared or approved by the Federal Aviation Agency if multiengine aircraft are used.

(2) For IFR operations: All items required for VFR operations and in addition pertinent navigational en route charts, terminal area charts, approach and letdown charts, and a manual computer.

(3) For foreign operations: All applicable items required for VFR, and IFR operations (if IFR authorization is held), and, in addition, the International Flight Information Manual, and a copy of all operational and entry requirements for foreign operations obtained from appropriate government(s).

§ 47.51 Aircraft required.

An operator shall have the exclusive use of at least one aircraft for each category and class authorized in the operations specifications. "Exclusive use" means that an operator has the sole possession, control, and use of an aircraft for flight arising from either, (a) a written lease or other written agreement or arrangement under which the operator is to have the right to such possession, control, and use for a period of at least 6 consecutive months from the date of such lease or other agreement or arrangement, or (b) ownership of the aircraft.

§ 47.52 Notification of change of helicopters, multiengine aircraft, and all aircraft utilized in IFR operations.

Each operator shall notify the local Federal Aviation Agency District Office of any additions or deletions of helicopters, multiengine aircraft, and all aircraft utilized in IFR operations after original certification, reissuance, or renewal of an operating certificate. The notification shall be in writing and shall be delivered or mailed within 7 days after the change. The notification shall include the aircraft make, model, and registration number.

§ 47.53 Limitations for IFR operations with passengers.

(a) Aircraft shall be equipped with fully functioning dual controls when a second pilot is required. (See § 47.80 (b).)

(b) Except as provided in paragraph (c) of this section, aircraft shall be multiengine and shall meet the following en route performance requirements:

(1) No operation shall be conducted at a weight in excess of that which will permit the aircraft to climb at least 50 feet per minute with the critical engine inoperative: Over Federal Airways or approved off-airway IFR routes, when at least at the minimum en route altitudes applicable to the route(s) to be flown, as shown in Part 610 of this title (Regulations of the Administrator) or in the operations specifications authorizing off-airways IFR operations, or when at 5,000 feet above sea level, whichever is the higher.

(2) In applying the requirements of subparagraph (1) of this paragraph, it shall be assumed that:

(i) The critical engine is inoperative;
(ii) The propeller of the inoperative engine is in the minimum drag position;
(iii) The wing flaps and landing gear are in the most favorable positions;
(iv) The operative engine or engines are operating at the maximum continuous power available;
(v) The aircraft is operating in the standard atmosphere; and
(vi) The weight of the aircraft is progressively reduced by the weight of the anticipated consumption of fuel and oil.

NOTE: En route weight limitations charts for each make and model of small multiengine aircraft may be obtained from the local Federal Aviation Agency District Office.

(c) Operations may be conducted with single-engine aircraft or multiengine aircraft which are unable to meet the en route performance requirements of paragraph (b) (1) and (2) of this section, subject to the following limitations:

(1) The ceiling shall be at least 1,000 feet and the visibility at least one mile for day and at least 2 miles for night at the point where the IFR operation begins, at each weather reporting station along the planned flight route, and at the destination, and shall be forecast to remain at or above such minimums for at least one hour after the estimated time of passing over each such reporting station and arrival at the destination;

(2) If, while en route, the weather at the destination or at one or more of the weather reporting stations ahead and along the remainder of the planned flight route is reported as below the minimums specified in subparagraph (1) of this paragraph, the pilot shall immediately take such action as may be necessary to insure that the flight will be operated over a route where the specified minimums exist;

(3) When IFR weather minimums or approach and landing weather minimums are referred to in § 47.60, the minimums shall be those specified in subparagraph (1) of this paragraph unless the minimums specified in Part 609 of this title (Regulations of the Administrator) are higher, in which case the higher minimums shall apply.

§ 47.53a Limitations for over-the-top operations with passengers.

When aircraft are flown over-the-top:

(a) They shall be operated at such an altitude or under such conditions that descent or continuance of the flight under VFR could be accomplished in case

of the failure of the engine of a single-engine aircraft or the critical engine of a multiengine aircraft; or

(b) The operation shall be conducted in accordance with the limitations and requirements for IFR operations under this part; or

(c) The operation shall be conducted in accordance with the applicable over-the-top provisions specified elsewhere in this part and the following limitations:

(1) At the time the actual over-the-top operation begins, the weather at the destination, or at the point of intended termination of the over-the-top portion of the flight, shall be such that descent from on top to beneath the overcast or cloud cover could be made under VFR, and shall be forecast to remain so for at least one hour after the estimated time of arrival thereat, and

(2) When operations are conducted with single-engine aircraft or with multiengine aircraft which are unable to meet the en route performance requirements of § 47.53(b) (1) and (2), the weather minimums, except at the point of departure, shall be as follows:

(i) *On airways.* At the time the actual over-the-top operation begins, the ceiling and visibility at each weather reporting station along the planned flight route shall be at least 1,000 feet and the visibility at least one mile for day and at least 2 miles for night, and shall be forecast to remain at or above such minimums ahead of the flight as it progresses along the over-the-top portion of the planned flight route;

(ii) *Off airways.* At the time the actual over-to-top operation begins, the forecast for the area over which the flight is to be made shall indicate that the ceiling is at least 1,500 feet and the visibility is at least one mile for day and at least 2 miles for night along the planned flight route and will remain at or above such minimums ahead of the flight as it progresses along the over-the-top portion of the planned flight route: *Provided,* That, if weather reporting stations are located at not more than 150-mile intervals along or within 25 miles on either side of the planned flight route, the minimums shown in subdivision (i) of this subparagraph may be used.

(3) If, while en route, later reports or forecasts indicate that the weather ahead and along the remainder of the planned flight route is, or will be, prior to his estimated time of arrival over the station or area, below the minimums specified in subparagraphs (1) and (2) of this paragraph, the pilot shall take immediate action to alter his route of flight to an area or areas where the specified minimums exist or a descent under VFR may be made.

§ 47.54 Aircraft limitations for over-water operations with passengers.

When passengers are carried, land aircraft operated over water shall be multiengine, and shall be flown at a weight which will permit the aircraft to climb at least 50 feet per minute with the critical engine inoperative when at least 1,000 feet above the surface, unless the overwater operation consists only of that portion of the flight necessary for takeoffs and landings or the aircraft is flown at such an altitude that it can reach land in the event of engine failure.

NOTE: En route weight limitations charts for each make and model of small-multi-engine aircraft may be obtained from the local Federal Aviation Agency District Office.

§ 47.55 IFR route limits.

(a) IFR operations shall be conducted only within controlled airspace, except as provided in paragraph (b) of this section, and at airports where approved standard instrument approach procedures have been established.

(b) IFR operations over routes outside controlled airspace will be authorized if it is found after investigation and consideration of all factors, including demonstration by the operator, that such operations can be conducted safely, and the operator's designated flight crew demonstrates that it is capable of navigating without visual reference to the ground along a predetermined flight path over a proposed route without deviating more than 5 miles or 5 degrees on either side (whichever is the lesser) from a straight line drawn between the point of departure and the next point of arrival.

§ 47.56 Flight manifest requirements.

A flight manifest shall be prepared before departure when passengers are carried under IFR or IFR weather conditions. The pilot in command shall certify that the flight manifest is complete and accurate by signing it.

(a) The flight manifest shall include at least the following:

(1) Operator's name, and operating certificate number;

(2) Aircraft make, model, and registration number;

(3) Date and type of last inspection of aircraft and engine(s);

(4) Point of departure;

(5) Route;

(6) Destination;

(7) Aircraft weights, to include empty weight, useful load, maximum certificated takeoff weight, and weight as loaded;

(8) Aircraft c.g. limits and the c.g. as loaded when it is possible to load the aircraft beyond the c.g. limits, unless the aircraft is loaded according to an approved loading chart;

(9) Total amount of fuel, oil, and cargo on board;

(10) Names and addresses and destination of passengers;

(11) Remarks; and

(12) Signature of pilot in command.

(b) A signed copy and any revisions to the flight manifest shall be retained in the personal possession of the pilot for the duration of the flight, and a copy shall be retained by the operator at his principal business office for at least one year after completion of the flight.

(c) When passengers are picked up at en route stops, a revised manifest shall be prepared, and a signed copy shall be mailed or caused to be mailed to the operator's principal business office. If this is not possible due to operation in areas where there is no mail service, the last manifest prepared and mailed shall include any known changes to the manifest.

§ 47.60 Weather.

(a) *Weather reports and forecasts for VFR operations.* Ceiling and visibility conditions and other weather phenomena pertinent to takeoff, en route, approach, and landing shall be those reported and forecast by the U.S. Weather Bureau or by a source approved by the Weather Bureau, or, if unavailable, by the most reliable source.

(b) *VFR weather minimums.* For VFR operations the VFR weather minimums of Part 60 of this chapter (Civil Air Regulations) for takeoff, en route, or landing shall apply, except as follows:

(1) For operations within uncontrolled airspace with aircraft other than helicopters, the flight visibility shall not be less than 2 miles for day when the ceiling is less than 1,000 feet, or less than 2 miles for night.

(2) For operations with helicopters, the flight visibility shall not be less than ½ mile for day and one mile for night.

NOTE: An air traffic clearance does not constitute authority to deviate from the minimum flight visibility rules of paragraph (b) (2) of § 47.60 or the minimum flight altitude rules of § 47.61.

(c) *Weather reports and forecasts for IFR operations.* Ceiling and visibility conditions and other weather phenomena pertinent to takeoff, en route, approach, and landing shall be those reported and forecast by the U.S. Weather Bureau or by a source approved by the Weather Bureau, unless a particular source other than the U.S. Weather Bureau is authorized in the operations specifications.

(d) *IFR weather minimums.* For IFR operations the takeoff ceiling and visibility weather minimums, standard instrument approach and landing procedures and minimums, including alternate airport requirements, shall be those specified in Part 609 of this title (Regulations of the Administrator).

(1) No flight shall be started unless the appropriate weather reports and forecasts or a combination thereof, pertaining to the airport of destination indicate that the ceiling and visibility will be at or above the landing minimums at the estimated time of arrival thereat.

(e) *IFR takeoff minimums.* When takeoffs are conducted with ceiling and visibility minimums that are less than the approach and landing minimums, an additional alternate airport shall be available within 15 minutes flying time at normal cruising airspeed. Such airport at the time of departure shall have ceiling and visibility equal to or above the approach and landing weather minimums specified in Part 609 of this title (Regulations of the Administrator).

(f) *IFR alternate airport weather minimums.* At the time of departure, the alternate airport weather shall be equal to or above the ceiling and visibility minimums approved for such airports when using it as an alternate, and the current weather reports and forecasts shall indicate that the weather conditions will be at or above such minimums until the flight arrives thereat.

(g) *IFR approach and landing weather limitations.* (1) No instrument approach procedure shall be started when the latest weather report for the airport for which the procedure is prescribed indicates the ceiling or visibility to be less than that approved for landing at such airport.

(2) No aircraft shall descend below the minimum altitude prescribed for landing at the airport of intended landing unless clear of the clouds. If at any time after descent below the clouds the pilot cannot maintain visual reference to the ground or lights, he shall immediately execute the appropriate missed approach procedure prescribed for that airport.

(3) Lowest ILS weather minimums may be used only when all components of the ILS system and related airborne equipment are fully functioning and signals are being received.

NOTE: Approach minimums and standards when one or more components of an ILS are inoperative are published in Part 609 of this title (Regulations of the Administrator).

(4) The ceiling and visibility landing minimums shall be increased by 100 feet ceiling and ½ mile visibility when a turbine-powered airplane is operated and the pilot in command has not served 100 hours as pilot in command in the particular type of airplane being operated. The ceiling and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport.

(h) *Private radio facilities and weather minimums.* An instrument approach using a private radio facility shall not be conducted unless authorized in the operations specifications issued to the operator. The approach procedures and weather minimums shall be those specified in the Form ACA-511 approved by the Federal Aviation Agency for such facilities.

(i) *Military airport procedures and weather minimums.* Procedures and weather minimums for military airports shall be those established by the military agency having jurisdiction over such airports.

(j) *Foreign airport procedures and weather minimums.* Procedures and weather minimums for foreign airports shall be those established by the appropriate agency having jurisdiction over such airports.

NOTE 1: Weather minimums including alternate airport requirements also may be found in the Approach and Landing Charts and Radio Facility Charts of the Coast and Geodetic Survey and in the Airman's Guide.

NOTE 2: When the phrase "Part 609 of this title (Regulations of the Administrator)," is used in this part in referring to instrument approach procedures and IFR minimums, it shall also mean instrument approach procedures and IFR minimums for a particular airport as specified on an approved Form ACA-511.

§ 47.61 Additional minimum flight altitude rules.

The following flight altitude rules apply in addition to those prescribed in Part 60 of this chapter (Civil Air Regulations).

(a) *Day VFR operations.* (1) Except when necessary for takeoff or landing, no aircraft other than a helicopter shall be flown less than 500 feet above the surface or less than 500 feet horizontally from any mountain, hill, or other obstruction to flight.

(2) Except when necessary for takeoff or landing, no helicopter shall be flown less than 300 feet above the surface or less than 300 feet horizontally from any mountain, hill, or other obstruction to flight.

(b) *Night VFR operations.* (1) Except when necessary for take-off or landing, no aircraft other than a helicopter shall be flown at an altitude less than 1,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown, or, in areas designated as mountainous terrain, less than 2,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown.

(2) Except when necessary for takeoff or landing, no helicopter shall be flown at an altitude less than 500 feet above the highest obstacle located within a horizontal distance of one mile from the center of the course intended to be flown.

(c) *Minimum altitudes for use of autopilot*—(1) *En route operations.* An autopilot shall not be used at an altitude of less than 500 feet above the terrain during en route operations, including climb or descent.

(2) *All approaches including ILS approaches using an approach coupler.* When an approach coupler is being used, an autopilot may remain engaged during an approach to an altitude above the terrain of not less than the IFR standard instrument approach and landing minimum specified in Part 609 of the Regulations of the Administrator for the airport being used and for the type of approach being conducted.

(d) Helicopters shall be operated at such altitudes and under such conditions that sufficient visual ground reference is obtained to allow proper control of the aircraft. At night ample ground reference lights shall be available for that purpose.

(e) During takeoffs and landing, helicopters shall be operated within a selected approach-departure path and takeoff and landing areas in a manner which will permit an emergency landing without undue hazard to the passengers or to persons or property on the surface.

NOTE: Compliance with § 47.61(e) shall not be based upon the availability of areas such as school yards, parking lots, recreation areas, highways, shopping centers, and public docks for emergency landings when such areas are occupied by persons or vehicles.

§ 47.62 Fuel supply for VFR operations.

(a) *Aircraft other than helicopters.* No flight under VFR shall be started unless the aircraft carries sufficient fuel and oil considering the wind and other weather conditions forecast, to fly to the point of first intended landing, and to fly thereafter for a period of at least 30 minutes during day and one hour during night at normal cruising fuel consumption.

(b) *Helicopters.* No flight under VFR shall be started unless the helicopter carries sufficient fuel and oil considering the wind and other weather conditions forecast, to fly to the point of first intended landing and thereafter to fly for a period of at least 20 minutes at normal cruising fuel consumption.

§ 47.63 Lighting for night operations.

When carrying passengers at night, no takeoff or landing shall be made unless the area or runway being used is equipped with lighted boundary or runway marker lights of appropriate color that will clearly define the outer limits of the area or runway. The landing area shall be equipped with an illuminated wind direction indicator so located that it will be clearly visible from the ground and the air unless the wind direction and velocity are obtained from local ground communications.

NOTE: To clearly outline an area or runway, boundary or runway marker lights should normally be spaced approximately 200 feet longitudinally.

§ 47.64 Operation in icing conditions.

(a) *General.* (1) No aircraft shall be flown into known or forecast heavy icing conditions.

(2) No aircraft shall be taken off when frost, snow, or ice is adhering to the rotor blades, propellers, or windshields; nor when ice or snow is adhering to the wings, stabilizing surfaces, or control surfaces; nor when frost is adhering to the wings, stabilizing surfaces, or control surfaces, unless the frost formation has been polished to insure that a smooth surface exists. Snow, ice, or frost shall also be removed from any other parts and systems of the aircraft requiring protection from adverse icing effects. These parts and systems are specified in paragraph (b) of this section.

(3) De-icing and anti-icing equipment and systems shall meet one of the standards established in § 47.30.

(b) IFR: When operating under IFR conditions no aircraft shall be intentionally flown into known or forecast light or moderate icing conditions, unless it has the required properly functioning equipment for icing protection. Protection from adverse icing effects on the aircraft controllability and performance involves the airspeed/altimeter/rate-of-climb indicator systems, flight attitude instrument systems, propeller(s)/rotor(s)/powerplant installations, wings, stabilizing and control surfaces, and windshields.

(c) VFR: The pilot shall take prompt action to leave an area where icing conditions are encountered in flight in an aircraft not equipped as required for icing protection. The required icing protection equipment and systems are specified in paragraph (b) of this section.

NOTE: Bureau of Flight Standards Release No. 434 dated November 2, 1959, subject, "Flight Control Hazards and Protection from Icing," contains valuable information concerning icing and recommended operational procedures when icing conditions are present.

§ 47.65 International operations.

International operations shall be conducted only to, from, or over foreign

countries listed, and in accordance with the terms and conditions specified, in the operations specifications issued pursuant to this part by an authorized representative of the Administrator.

(a) Prior to conducting operations to, from, or over a foreign country, persons subject to this part shall obtain operating authority, copies of appropriate regulations and instructions, and other essential information issued by the government of such foreign state, territory, or country.

(b) All operations to, from, or over a foreign country shall be conducted in accordance with an authorization granted by the foreign government and shall be conducted in compliance with the applicable foreign government rules and regulations, except where any rule prescribed in the Civil Air Regulations is more restrictive and may be followed without violating the laws or rules of such foreign government.

NOTE 1: The International Flight Information Manual provides information applicable to foreign operations. It is for sale by Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.

NOTE 2: For operations into Canada or Mexico, requests for authorization should be directed as follows:

Canada: Department of Transport, Air Transport Board, Ottawa, Canada.

Mexico: Director General, Civil Aviation, Mexico, D. F., Mexico.

§ 47.66 Emergency operations.

(a) In the case of emergencies necessitating the transportation of persons or property for the protection of life or property, the rules contained herein regarding aircraft, equipment, and weather minimums to be observed need not be complied with.

(b) The operator shall file a written report within 48 hours after the operation is completed when deviation(s) from any rule has or have occurred. The report shall be filed with the local Federal Aviation Agency District Office and shall set forth the conditions under which the operations were conducted, the reasons therefor, and the names and addresses of the crew and passengers.

§ 47.68 Area of operation.

An operator may operate only to, from, over, or within the specific area or areas of operation set forth in his operations specifications, except that an air taxi operator may not operate within Alaska other than as part of a flight which originates or terminates outside the State of Alaska. (See Part 298 of this title (Economic Regulations of the Board).)

Subpart E—Flight Crew Requirements

§ 47.80 Pilot qualifications and second pilot requirements.

(a) *Pilot in command.* Any pilot serving as pilot in command shall hold at least a currently effective commercial pilot certificate with an appropriate rating for the aircraft on which he is to serve and shall meet the following requirements:

(1) For day VFR flight he shall have at least 50 hours of cross-country flight time as a pilot.

(2) For night VFR flight he shall have a total of at least 500 hours flight time as pilot, including 100 hours of cross-country flight time of which 25 hours shall have been at night. When carrying passengers at night in an airplane, he shall also possess a currently effective instrument rating.

(3) For over-the-top flight with passengers he shall have a total of at least 500 hours flight time as pilot, including 100 hours of cross-country flight time. He shall also possess a currently effective instrument rating.

(4) For IFR he shall possess a currently effective instrument rating and have a total of at least 500 hours of flight time as pilot, including 100 hours of cross-country flight time.

(b) *Second pilot.* A second pilot holding at least a currently effective commercial pilot certificate with an appropriate aircraft rating and a currently effective instrument rating shall be required on aircraft when passenger operations are conducted under IFR and IFR weather conditions unless use of an autopilot is authorized.

§ 47.81 Recent flight experience requirements.

No operator shall utilize a pilot, nor shall any individual serve as pilot, unless he meets the following recent flight experience requirements:

(a) Within the preceding 90 days, a pilot in command shall have made at least 3 takeoffs and landings in an aircraft of the same category, class, and type on which he is to serve. For night flight one of the takeoffs and landings required by this paragraph shall have been made at night.

(b) Within the preceding 6 calendar months, a pilot in command of a small multiengine aircraft shall have served as pilot in command of small multiengine aircraft for at least 20 hours.

(c) Within the preceding 12 calendar months, a pilot in command of a particular type of multiengine aircraft shall have served as pilot in command of such type of multiengine aircraft for at least 10 hours.

(d) In lieu of paragraphs (b) or (c) of this section, the pilot in command shall meet the flight check and oral examination requirements set forth in § 47.83(b) or (c).

(e) The recent flight experience requirements for instrument flight as specified in Part 43 of this chapter (Civil Air Regulations) shall apply.

§ 47.82 Pilot training requirements for IFR and multiengine operations.

The operator shall provide or arrange for facilities and training necessary to insure the continued competence of each pilot authorized to operate under IFR and/or to operate multiengine aircraft; and to insure that each such pilot is familiar with all new equipment and procedures to be used.

§ 47.83 Pilot check requirements for IFR and multiengine operations.

No operator shall utilize a pilot, nor shall any individual serve as pilot, unless he meets the appropriate check requirements as follows:

(a) Six-month instrument check for IFR operations:

(1) Prior to authorizing IFR operation and prior to flight under IFR or IFR weather conditions, the pilot in command shall have passed his most recent instrument check within the preceding 6 calendar months. The check shall be given in flight under actual or simulated IFR conditions. The pilot shall demonstrate his ability to pilot and navigate by instruments, to recover from simulated emergency situations, to make a standard instrument approach using radio range facilities, and to make an instrument approach in accordance with VOR, ILS, Radar, or ADF procedures when such facilities are to be used. This instrument check shall be given by a Federal Aviation Agency inspector or a check pilot approved by an authorized representative of the Administrator. Checks given to a pilot by the check pilot of a previous or other employer will not satisfy the 6-month instrument check requirements. The standards of proficiency shall be those established for the original issuance of an instrument rating.

(2) The 6-month instrument check shall also include an equipment examination, which may be oral or written, pertinent to the type of aircraft to be flown. The examination shall include but need not be limited to questions relative to engine operation, fuel and lubrication systems, power settings, stall speeds, best engine-out speed, propeller and supercharger operations, control systems, hydraulic and electrical systems, anti-icing, heating, ventilating and pressurization systems, and all emergency systems and procedures.

(3) When the pilot is scheduled to fly only one type of aircraft, the required 6-month instrument check shall be taken in an aircraft of that type.

(4) When a pilot is scheduled to fly both multiengine and single-engine aircraft, the required 6-month instrument check shall be taken alternately in multiengine and single-engine aircraft.

(5) When a pilot is scheduled to fly different types of multiengine or single-engine aircraft, the required 6-month instrument check shall be rotated among the different types.

(b) Flight check for multiengine operations: A pilot in command who does not meet the requirements of § 47.81 (b) and (c) shall pass a flight and oral check appropriate to the class and type of aircraft to be flown. The check shall include but not be limited to normal and emergency flight procedures. This check will be given by a Federal Aviation Agency Inspector or by a check pilot approved by an authorized representative of the Administrator. The standards of proficiency shall be those established for the original issuance of a multiengine class or type rating.

(c) The 6-month instrument check, if taken in multiengine aircraft, will fulfill the requirements of paragraph (b) of this section for the type of aircraft in which the check was taken.

(d) Requests for the approval of a check pilot shall be submitted in writing by the operator to the appropriate Federal Aviation Agency District Office.

Prior to approval as a check pilot, the candidate will be required to satisfactorily accomplish an appropriate oral examination and a flight test. A letter of authority will be issued to all approved check pilots.

§ 47.84 Grace period for airman periodic checks.

Whenever this part requires an airman check at stated intervals, such check may be given at any time during the month preceding or following the month in which it becomes due. The effective date of the check, if given within the preceding or following month, shall be the same as if given within the month in which it become due.

§ 47.86 Airman records.

(a) Each operator shall maintain at his business office, records of each airman utilized as a crewmember. These records shall contain at least the following:

(1) Name in full;

(2) Airman certificate held, including type, number, and ratings, and a breakdown of the pilot's flying time to show compliance with §§ 47.80, 47.81, and 47.82;

(3) Current duties and date of assignment;

(4) Date, result, and class of last physical examination;

(5) Date and result of 6-month instrument competency check, including type of aircraft flown; and

(6) Check pilot authorization (if any).

(b) These records shall be revised with such regularity as is required to provide evidence of compliance with airman requirements of this part.

(c) All records shall be retained by the operator for at least one year after preparation or after the last revision.

§ 47.87 Responsibilities of pilot in command.

The pilot in command of the aircraft shall be designated by the operator.

(a) *Preflight action.* Before beginning a flight, the pilot in command shall familiarize himself with the latest weather reports pertinent to the flight. He shall also familiarize himself with information necessary for the safe operation of the aircraft en route, information on the airports or other landing areas to be used, and such other information as is necessary to determine that the flight can be completed with safety.

(b) *Charts and flight equipment.* The pilot in command shall have proper flight and radio facility charts in the cockpit, including instrument approach procedures when instrument flight is authorized, and shall have such other flight equipment as may be necessary properly to conduct the particular flight proposed.

(c) *Serviceability of equipment.* Prior to starting any flight, the pilot in command shall ascertain by appropriate cockpit checks or inspection, that the aircraft, engines and propellers, appliances, and required equipment including instruments, are in proper operating condition. He shall determine that required inspections, repairs, or preventive maintenance operations have been carried out: *Provided,* That the pilot may accept a maintenance release form endorsed by an appropriately certificated mechanic or an authorized maintenance supervisor as a showing that required inspections, repairs, or preventive maintenance operations have been carried out.

(d) *Emergency decisions.* (1) In emergency situations which require immediate decision and action, the pilot in command may follow any course of action which he considers necessary under the circumstances. In such instances the pilot in command, to the extent required in the interest of safety, may deviate from prescribed operations procedures and methods, weather minimums, and the regulations of this part.

(2) When emergency authority is exercised by the pilot in command, he shall, within 10 days after completion of the trip, file a report with the local Federal Aviation Agency District Office stating circumstances of the emergency and the nature of the deviation.

NOTE: See part 60 of this chapter (Civil Air Regulations) for emergency decision authority and reporting requirements involving air traffic regulations.

§ 47.88 Flight crewmembers at controls.

(a) All required flight crewmembers shall remain at their respective stations while the aircraft is taking off or landing, and while en route except when the absence of one such flight crewmember is necessary for the performance of his duties in connection with the operation of the aircraft. These duties include: checking, examining, or visually inspecting parts, accessories, or systems of the aircraft regarding their functioning or malfunctioning, and attending to passengers in the interest of their safety.

(b) All flight crewmembers shall keep their seat belts fastened when at their respective stations.

CROSS REFERENCE OF SECTION NUMBERS IN PRESENT PART AND PROPOSED REVISION

Present Part 47		*Proposed Revision of Part 47*	
Sec.		Sec.	
47.1	Applicability of this part.	47.1	Same.
47.2	Applicability of Parts 43 and 60 of the Civil Air Regulations.	47.2	Applicability of Parts 18, 43, and 60 of the Civil Air Regulations.
47.5	Definitions.	47.5	Same.
47.10	Certificate required.	47.10	Same.
47.11	Renewal of existing authority.	47.11	Same.
47.12	Application for certificate.	47.12	Same.
47.13	Issuance of certificate.	47.13	Same.
47.15	Display of certificate.	47.14	Display of certificate and operations specifications.
47.16	Duration and renewal of certificate.	47.15	Duration, renewal, and reissuance of certificate.
47.17	Transferability of certificate.	47.16	Transferability of certificate.
47.18	Operations specifications required.	47.18	Operations specifications.
47.19	Contents of operations specifications.		
47.20	Deviation authority.	47.20	Same.
47.21	Amendment of operations specifications.	47.19	Amendment of operations specifications.
47.22	Inspection authority.	47.21	Inspection authority.
47.30	Aircraft requirements.	47.23	Maintenance of equipment, facilities, and materials (identification and certification not included).
47.31	Aircraft limitations for IFR and land aircraft overwater operations.	47.35	Auto pilot requirements, and
		47.53	Limitations for IFR operations with passengers, and
		47.54	Aircraft limitations for overwater operations with passengers.
47.40	Instruments and equipment.	47.23	Maintenance of equipment, facilities, and material, and
		47.30	Instrument and equipment standards.
47.41	Instrument and equipment for all operations.	47.31	Additional instruments and equipment for all operations.
47.42	Emergency equipment.	47.37	Emergency equipment.
47.43	Instruments and equipment for operations at night.	47.33	Additional instruments and equipment for night operations with passengers.
47.44	Instruments and equipment for IFR flight.	47.34	Additional instruments and equipment for IFR operations with passengers.
47.45	Oxygen.	47.38	Oxygen requirements.
47.60	Radio equipment.	47.36	Radio equipment for aircraft carrying passengers.
47.61	Navigational aids for IFR flights.	47.55	IFR route limits.
47.80	Pilot qualifications.	47.80	Same.
47.81	Recent flight experience requirements for pilots.	47.81	Recent flight experience requirements.
47.82	Airman records.	47.86	Airman records.
47.90	Responsibilities of pilot in command.	47.87	Responsibilities of pilot in command.
47.91	Cockpit check list.	47.39	Cockpit check list requirements.
47.92	Weather minimums.	47.60	Weather.
47.93	Fuel supply.	47.62	Fuel supply for VFR operations.
47.94	Lighting for night operations.	47.63	Lighting for night operations.
47.95	Operation in icing conditions.	47.64	Operation in icing conditions.
47.96	Flight manifest requirements.	47.56	Flight manifest requirements.

The following proposed sections have no counterpart in present Part 47:

47.17 Surrender of certificate and operations specifications.
47.22 Advertising.
47.32 Additional instruments and equipment for day VFR over-the-top operations with passengers.
47.50 Facilities and material required.
47.51 Aircraft required.
47.52 Notification of change of helicopters, multiengine aircraft, and all aircraft utilized in IFR operations.
47.53a Limitations for over-the-top operations with passengers.
47.61 Additional minimum flight altitude rules.
47.65 International operations.
47.66 Emergency operations.
47.68 Area of operation.
47.82 Pilot training requirements for IFR and multiengine operations.
47.83 Pilot check requirements for IFR and multiengine operations.
47.84 Grace period for airman periodic checks.
47.88 Flight crewmembers at controls.

[F.R. Doc. 60-7322; Filed, Aug. 5, 1960; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 470]

AIRWORTHINESS DIRECTIVES

Aero Design

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring wing inspection of certain Aero Design aircraft to determine the possibility of AN426AD-5 rivets being installed rather than 3/16-inch huckbolts. Rework of the wings is necessary if the AN426AD-5 rivets are found.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 6, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507-10(a), (14 CFR Part 507), by adding the following airworthiness directive:

AERO DESIGN. Applies to Models 680-E and 720, Serial Numbers 501, 623 through 873 except 820, 850, 860, 867 and 872.

Compliance required within the next 100 hours' time in service.

The manufacturer's inspection has determined a nonconformity with the approved design data and it is possible that aircraft in service may have the following nonconformity:

AN426AD-5 rivets have been installed instead of 3/16-inch huckbolts in the lower surface of the wing at the rear spar between wing station 54 and the inboard nacelle attach angle on both the left and right wings.

(a) *Inspection.* Inspect the lower wing at rear spar between wing station 54 and the inboard nacelle attach angles on both the left and right wings to determine whether 3/16-inch huckbolts or AN426AD-5 rivets have been installed. If the AN426AD-5 rivets are installed, the wing shall be reworked as outlined in paragraph (b).

(b) *Rework.* Remove flaps and wing trailing edge closeout skins on both left and right wings. Drill out the AN426AD-5 rivets and replace with AN426AD-6 rivets. These rivet heads will protrude below the wing surface by approximately 0.030 inch. Do not overdrive the rivets in attempt to sink them completely.

Measure the distance between the rivet which passes through the wing skin and rear spar cap at wing station 54 and the screw which passes through the inboard nacelle attach angle. This distance should be approximately 4.5 inches and should contain six rivets (0.75 inch on center) and the screw. If only five rivets exist in this area, a brazier head rivet (AN456AD-6) must be added between the nacelle attach angle screw and the next rivet inboard. If sufficient space does not exist to permit minimum rivet to rivet spacing of three rivet diameters, contact the Service Department, Aero Design & Engineering Company for approved repair instructions.

Replace flaps and left and right wing trailing edge skins.

(Aero Design Service Bulletin No. 62 covers this same subject.)

Issued in Washington, D.C., on August 2, 1960.

B. PUTNAM,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-7323; Filed, Aug. 5, 1960; 8:46 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 60-WA-163]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6035 and 600.6097 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 35 presently extends, in part, from St. Petersburg, Fla., to Cross City, Fla. VOR Federal airway No. 97 presently extends, in part, from St. Petersburg to the Scallop, Fla., intersection. The Federal Aviation Agency has under consideration the redesignation of the Victor 35 west alternate from St. Petersburg to Cross City; revocation of the Victor 97 east alternate from St. Petersburg to the Scallop intersection (intersection of the St. Petersburg VOR 335° and the Cross City VOR 207° True radials); and the designation of a west alternate to Victor 97 from St. Petersburg to the Scallop intersection. Victor 35-W would be redesignated from the St. Petersburg VOR to the Cross City VOR via the intersection of the St. Petersburg VOR 320° and the Cross City VOR 185° True radials. The east alternate to Victor 97 from St. Petersburg to Scallop, which presently overlies the main Victor 97 airway between these points, would be revoked thus improving air traffic management by eliminating the duplication of airway designation. A west alternate to Victor 97 would be designated from the St. Petersburg VOR to the Scallop intersection via the intersection of the St. Petersburg VOR 320° and the Cross City VOR 207° True radials. These modifications would provide by-pass routes, to serve the Tampa, Fla., terminal area, for separating climbing and descending aircraft from aircraft operating on the main airways. The portions of these airways which would extend outside the United States would be designated to exclude that portion below 2,000 feet mean sea level. The control areas associated with Victor 35 and Victor 97 are so designated that they would automatically conform to the modified airways. Accordingly, no amendments relating to such control areas would be necessary.

If these actions are taken, the west alternate to VOR Federal airway No. 35 from St. Petersburg, Fla., to Cross City, Fla., would be redesignated via the intersection of the St. Petersburg VOR 320° and the Cross City VOR 185° True radials, excluding that portion below 2000 feet mean sea level outside the United States. The east alternate to VOR Federal airway No. 97 from St. Petersburg to the Scallop, Fla., intersection would be revoked, and a west alternate to Victor 97 would be designated from St. Petersburg to the Scallop intersection via the intersection of the St. Petersburg VOR 320° and the Cross City VOR 207° True radials, excluding that portion below 2000 feet mean sea level outside the United States.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the

Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 29, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-7325; Filed, Aug. 5, 1960; 8:46 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 60-KC-37]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6138 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 138 presently extends in part from the Raymond, Nebr., VOR to the Neola, Iowa, VOR. The Federal Aviation Agency has under consideration the modification of this segment of Victor 138 by realigning it from the Raymond, Nebr., VORTAC to the Neola, Iowa, VORTAC via the Raymond VORTAC 040° and the Neola VORTAC 251° True radials. This modification would facilitate air traffic management by providing adequate lateral separation between aircraft opearting on Victor 138 and aircraft operating in the Offutt Air Force Base, Nebr., terminal area. It would also provide a departure route for traffic departing Omaha Municipal Airport, Nebr., to western terminals and an arrival route for aircraft transitioning to the ILS front course approach to the Omaha Municipal Airport. The control areas associated with Victor 138 are so designated that they would automatically conform to the modified airway. Accordingly, no amendment relating to such control areas would be necessary.

If this action is taken, the segment of VOR Federal airway No. 138 between Raymond, Nebr., and Neola, Iowa, would be designated from the Raymond VORTAC via the intersection of the Raymond VORTAC 040° and the Neola VORTAC 251° True radials to the Neola VORTAC.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 29, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-7326; Filed, Aug. 5, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-51]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation of Federal Airway, Associated Control Areas and Reporting Points

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 17 extends from Martinsburg, W. Va., to Baltimore, Md. The Federal Aviation Agency has under consideration revocation of Red 17. The Federal Aviation Agency IFR peak-day airway traffic survey for the period of July 1, 1959, through June 30, 1960, shows a maximum of four aircraft movements between any two reporting points on this airway. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest.

If this action is taken, Red Federal airway No. 17 and its associated control areas and reporting points would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 29, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-7327; Filed, Aug. 5, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-165]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

Red Federal airway No. 49 extends from Elko, Nev., to Fort Bridger, Wyo. The Federal Aviation Agency has under consideration revocation of this airway and its associated control areas. A Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959 through June 30, 1960, showed no aircraft movements on this airway. On the basis of this survey, it appears that retention of this airway is unjustified as an allocation of airspace and that revo-

cation thereof would be in the public interest.

If these actions are taken, Red Federal airway No. 49, its associated control areas and reporting points would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 28, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-7328; Filed, Aug. 5, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-70]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification and Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 and §§ 600.6026 and 601.6026 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 26 extends from Cherokee, Wyo., to Cleveland, Ohio. VOR Federal airway No. 285 extends from Myton, Utah, to Cherokee, Wyo. The Federal Aviation Agency has under consideration the extension of Victor 26 and its associated control areas westward from Cherokee to Delta, Utah via Myton. This would provide a connecting link between VOR Federal airway No. 108, a preferential eastbound route out of San Francisco, Calif., and Victor 26; and a transition route between Victor 108 and VOR Federal airway No. 6, one of the primary east/west routes. It would also provide a lower minimum en route altitude between Delta and Myton than is possible along the present route via Victor 108 and VOR Federal airways 1508/29. The modification of Victor 26 as proposed would obviate the requirement for Victor 285 between Myton and Cherokee. Therefore, Victor 285 and its associated control areas would be revoked.

If these actions are taken, the segment of VOR Federal airway No. 26 under consideration and its associated control areas would be designated from the Delta, Utah, VOR via the Myton, Utah, VOR to the Cherokee, Wyo., VOR. VOR Federal airway No. 285 and its associated control areas would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 1, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7329; Filed, Aug. 5, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-160]

CONTROL AREAS

Designation of Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a request by the Department of Navy to designate a control area extension at Adak, Alaska. This control area extension would be designated within a 50-mile radius of the Adak Naval Station, Adak Island, Alaska, extending vertically from 700 feet above the surface to 12,000 feet mean sea level. The Adak Naval Station would provide air traffic control service in this area and the Navy has indicated that there is no requirement for providing air traffic control service above 12,000 feet mean sea level. The proposed control area extension would provide sufficient control area for establishment of arrival and departure procedures for the control of aircraft operating to and from Adak Naval Station under instrument flight rules conditions.

If this action is taken, the Adak, Alaska, control area extension would be designated within a 50-mile radius of the Adak Naval Station (Lat. 51°53'00" N, Long. 176°39'00" W), Adak Island, extending vertically from 700 feet above the surface to 12,000 feet mean sea level.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on July 29, 1960.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 60-7324; Filed, Aug. 5, 1960; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-KC-27]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2095 of the regulations of the Administrator, the substance of which is stated below.

The Belleville, Ill., control zone is presently designated within a 5-mile radius of the Scott Air Force Base, extending 2 miles either side of the southwest course of the Scott AFB radio range to a point 10 miles southwest of the radio range station. The Federal Aviation Agency has under consideration a proposal by the Department of Air Force to modify this control zone as follows:

1. Revoke the present control zone extension based on the southwest course of the Scott AFB radio range. The prescribed instrument approach procedures based on the radio range are being cancelled; therefore, this control zone extension would no longer be required for the protection of aircraft.

2. Designate a control zone extension two miles either side of the 317° True bearing from the Belleville, Ill., radio beacon extending from the 5-mile radius zone to the radio beacon. This modification would provide protection for aircraft executing the prescribed instrument approach procedures to Scott Air Force Base during instrument flight rule conditions.

If these actions are taken, the Belleville, Ill., control zone would be designated within a 5-mile radius of Scott Air Force Base, Belleville, Ill. (Lat. 38°32'32" N., Long. 89°51'30" W.), and within 2 miles either side of the 317° True bearing from the Belleville radio beacon extending from the 5-mile radius zone to the radio beacon.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 1, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7331; Filed, Aug. 5, 1960; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-KC-35]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2221 of the regulations of the Administrator, the substance of which is stated below.

The LaCrosse, Wis., control zone is presently designated within a 5-mile radius of the LaCrosse Municipal Airport, within 2 miles either side of the northwest and southeast courses of the LaCrosse radio range extending from the 5-mile radius zone to a point 10 miles northwest of the radio range station, and within 2 miles either side of the LaCrosse TVOR 227° True radial extending from the TVOR to a point 10 miles southwest of the airport. The Federal Aviation Agency has under consideration the modification of this control zone as follows:

1. Revoke the southwest control zone extension. The instrument approach procedure prescribed on the 227° True radial of the TVOR has been cancelled. Therefore, the southwest control zone extension is no longer required for the protection of aircraft.

2. Redesignate the control zone extension based on the northwest and southwest courses of the radio range by extending it from the 5-mile radius zone to 12 miles northwest of the radio range. Due to high terrain northwest of the Municipal Airport, the present control zone does not provide protection for aircraft executing the presently prescribed instrument approach procedure based on the northwest course of the radio range.

3. Designate a control zone extension based on the 322° True radial of the TVOR extending from the 5-mile radius zone to 12 miles northwest of the TVOR. This would provide protection for aircraft executing the presently prescribed ADF instrument approach procedure based on the TVOR.

If these actions are taken, the LaCrosse, Wis., control zone extension would be designated within a 5-mile radius of the LaCrosse Municipal Airport (Lat. 43°52'38" N, Long. 91°15'21" W), within two miles either side of the northwest and southeast courses of the radio range extending from the 5-mile radius zone to 12 miles northwest of the radio range station; and within 2 miles either side of the 322° True radial of the TVOR extending from the 5-mile radius zone to 12 miles northwest of the TVOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 1, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7332; Filed, Aug. 5, 1960; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-LA-72]

CONTROL ZONES

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.1984 of the regulations of the Administrator, the substance of which is stated below.

The Lucin, Utah, control zone is designated within a 5-mile radius of the Lucin, Utah, Federal Aviation Agency Intermediate Field. The Federal Aviation Agency has under consideration the revocation of this control zone. There is

no published instrument approach procedure for the airport, neither weather reports nor communications services are available, no scheduled air carrier operations are conducted into the airport, and it is not used by scheduled air carriers as an alternate airport. It would appear, therefore, that retention of the control zone would serve no useful purpose, and that revocation, thereof, would be in the public interest.

If this action is taken, the Lucin, Utah, control zone would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 1, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7333; Filed, Aug. 5, 1960; 8:47 a.m.]

[14 CFR Parts 601, 608]

[Airspace Docket No. 60-LA-63]

CONTROL AREAS AND RESTRICTED AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 601.1068 and 608.14 of the regulations of the Administrator, the substance of which is stated below.

The Riverside, Calif., control area extension is designated as that airspace south of March AFB bounded on the east by VOR Federal airway No. 117, on the south and southwest by VOR Federal airway No. 208, on the west by VOR Federal airway No. 23 and Restricted Area (R-294), on the northwest by VOR Federal airway No. 8 and on the north by VOR Federal airway No. 16. The Federal Aviation Agency has under consideration modification of this control area extension by redesignating it to include the Camp Pendelton, Calif., Restricted Area (R-294). It is also proposed to change the controlling agency of the restricted area from the Commanding Officer, USMC, Camp Pendelton, Calif., to the Federal Aviation Agency, Los Angeles Air Route Traffic Control Center. The airspace within the restricted area would be utilized by the Federal Aviation Agency for air traffic management purposes when not in use by the U.S. Marine Corps for the designated purpose. This would permit greater flexibility in arrival and departure procedures at MCAS, El Toro, Calif. At present, aircraft executing prescribed jet penetrations and departure procedures at MCAS, El Toro are restricted to a minimum altitude of 16,000 feet MSL when crossing the restricted area. The additional control area would also be used for radar vectoring of aircraft by the MCAS, El Toro Radar Air Traffic Control Center, which will be commissioned in the near future.

If these actions are taken, the Riverside, Calif., control area extension would be designated as that area south of March Air Force Base, Calif., bounded on the east by VOR Federal airway No. 117, on the southeast and south by VOR Federal airway No. 208, on the southwest by VOR Federal airway No. 23, on the northwest by VOR Federal airway No. 8 and on the north by VOR Federal airway No. 16. The portion of this control area which would coincide with Camp Pendleton, Calif., Restricted Area (R-294) would be used only after prior approval from the Federal Aviation Agency, Los Angeles Air Route Traffic Control Center.

The controlling agency of the Camp Pendleton, Calif., Restricted Area (R-294) would be designated as the Federal Aviation Agency, Los Angeles Air Route Traffic Control Center.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on August 1, 1960.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 60-7330; Filed, Aug. 5, 1960; 8:46 a.m.]

Notices

DEPARTMENT OF DEFENSE

Department of the Air Force

RALPH E. CROSS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests.

A. Deletions: American Cement Corporation.

B. Additions: None.

This statement is made of Ralph E. Cross.

Dated: July 29, 1960.

RALPH E. CROSS.

[F.R. Doc. 60-7317; Filed, Aug. 5, 1960; 8:45 a.m.]

ROBERT M. TRUEBLOOD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests.

A. Deletions: None.

B. Additions: None.

This statement is made of Robert M. Trueblood.

Dated: July 11, 1960.

ROBERT M. TRUEBLOOD.

[F.R. Doc. 60-7318; Filed, Aug. 5, 1960; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

BLACKFEET INDIAN RESERVATION, GLACIER COUNTY, MONTANA

Resolution Adding Additional Conditions to Ordinance on Introduction, Sale or Possession of Intoxicants

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.), I certify that the following resolution relating to the application of the Federal Indian liquor laws on the Blackfeet Indian Reservation, Glacier County, Montana, was duly adopted on November 10, 1959, by a meeting of the Blackfeet Tribal Business Council which has jurisdiction over the area of Indian country included in the resolution:

1. No permit or license issued by the Blackfeet Tribal Business Council for the sale of intoxicating liquors, beer, and other malt beverages, and wine within the exterior boundaries of the Blackfeet Indian Reservation, Montana, may be transferred without the approval of the Blackfeet Tribal Business Council. Such approval must be given at a duly called, noticed, and convened session of said Council.

2. Persons wishing to transfer such permits or licenses must first make application in writing to the Blackfeet Tribal Business Council for such transfer. This application must include the name(s) of the persons, group, or association to whom the transfer is to be made and must also be accompanied by a statement signed by the proposed transferee designating the location of the premises where such permit or license is to be used and operated.

3. It shall be the responsibility of the Blackfeet Tribal Business Council to publish a public notice of such application for transfer of such permits in at least two (2) issues of weekly newspapers published in Glacier County, Montana, and such public notice shall also include the location of the premises where such permit is to be used and operated. No action shall be taken by the Blackfeet Tribal Business Council to approve or disapprove such applications for transfer until and unless the public notice referred to shall have been published as required herein.

4. It shall be the responsibility of holders of such permits to notify the Liquor Control Board of the State of Montana that an application has been made for a transfer of such permits and licenses, but no transfer of a license to sell intoxicating liquors, beer, and other malt beverages, and wine approved by the Montana Liquor Control Board shall be effective within the boundaries of the Blackfeet Indian Reservation until the permit or license issued by the Blackfeet Tribal Business Council for such sales has been transferred as provided for herein.

5. Nothing herein contained shall be construed as amending or rescinding any provisions of Resolution 134-53 of the Blackfeet Tribal Business Council as approved November 5, 1953, and failure to comply with the terms of this resolution shall be cause for cancellation of such permits or licenses.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

AUGUST 2, 1960.

[F.R. Doc. 60-7355; Filed, Aug. 5, 1960; 8:50 a.m.]

INFORMATION ON WOC APPOINTEES

AUGUST 2, 1960.

Pursuant to section 302(a) of Executive Order 10647, information on WOC appointees in the Department of the Interior has been furnished for publication in the FEDERAL REGISTER. Although not required under the Executive Order, the following is furnished for informational purposes:

1. Name of appointee: J. F. Emery. Action: Resigned effective September 22, 1959.

2. Name of appointee: H. W. Oetinger. Action: Resigned effective May 1, 1960.

3. Name of appointee: Fred H. Wiley. Action: Resigned effective July 15, 1960.

4. Name of appointee: A. H. Wade, Jr. Action: Appointed Director, Defense Electric Power Area 4, effective July 15, 1960 (Initially appointed Deputy Director).

5. Name of appointee: Alan A. Woodward. Action: Appointed Director, Defense Electric Power Area 13, effective July 16, 1960 (Initially appointed Deputy Director).

6. Name of appointee: W. W. Williams. Action: Resigned effective August 1, 1960.

FRED G. AANDAHL,
Assistant Secretary, Water and Power Development.

[F.R. Doc. 60-7335; Filed, Aug. 5, 1960; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ALASKA STEAMSHIP CO.

3 C1-M-AV1 Type Government-Owned Vessels; Continuance of Bareboat Charters

Notice in the above-captioned matter appeared in the FEDERAL REGISTER issue of July 7, 1960 (25 F.R. 6372), in which interested persons were given permission to file written objections or request a hearing by close of business on July 15, 1960.

Notice is hereby given that no objections nor requests for a hearing were received; therefore, the findings of the Board are now final.

Dated: August 2, 1960.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7346; Filed, Aug. 5, 1960; 8:49 a.m.]

[Docket No. S-57 (Sub No. 5)]

STATES MARINE LINES, INC.

Notice of Application and of Hearing

Notice is hereby given of the application of States Marine Lines, Inc., for written permission of the Federal Maritime Board, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit the continuance, in the event the Federal Maritime Board awards an operating-differential subsidy

to States Marine Lines, Inc., of the operation of the "SS Alaskan," a tanker owned by an affiliate of States Marine Lines, Inc., Oil Transport, Incorporated, in the transportation as contract carrier of chemicals, petro-chemicals and lubricating oil in domestic commerce between United States Pacific ports on the one hand, and United States Gulf and Atlantic ports on the other. This application may be inspected by interested parties in the Office of Hearing Examiners, Federal Maritime Board, Washington, D.C.

A hearing on the application will be held before Chief Examiner Gus O. Basham, beginning at 10 a.m., e.d.t., September 13, 1960, in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. An Initial Decision will be issued. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on September 2, 1960, notify the Secretary, Federal Maritime Board, in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Federal Maritime Board, petitions for leave to intervene in this proceeding received after the close of business on September 2, 1960, will not be granted.

Dated: August 2, 1960.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7347; Filed, Aug. 5, 1960; 8:49 a.m.]

WEST COAST OF ITALY, SICILIAN AND ADRIATIC PORTS/NORTH ATLANTIC RANGE CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 2846-11, between the member lines of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference, modifies the basic agreement of that conference (No. 2846, as amended), which covers the trade from West Coast Italy ports (between Ventimiglia and Reggio Calabria, inclusive, on the mainland and Sicilian ports) and ports on the Adriatic Sea to North Atlantic ports of the United States (Hampton Roads/Portland range). The purpose of the modification is (1) to provide for owners' meetings annually in addition to principals meetings which are held every two months, and special owners' meetings as necessary—two-thirds active members necessary to constitute a quorum and four-fifths vote of members present required to bind all members, (2) to require unanimous agreement of all members to make a change in the trading scope of conference, (3) to provide for the establishment of a Neutral Body which shall receive and investigate complaints of violations of the conference agreement, make decisions thereon and assess fines—first offense not less than $1,000 nor more than $10,000, second and subsequent offenses not less than $3,000 nor more than $10,000, (4) to provide (a) that each member shall be responsible for the acts of its employees, agents, sub-agents, affiliates and subsidiaries and will secure from each an unqualified assurance satisfactory to the conference, (b) that all records of each agent, etc., will be available to the Neutral Body, (c) that each member agrees to indemnify the conference and hold it harmless against liability to third parties in any libel or other action against the conference and its employees as a result of the performance by the Neutral Body of its duties, (5) to provide that any violation of the agreement by any party and/or its agents not disposed of by the Neutral Body shall be handled by assessing damages to satisfaction of the parties subject to right of appeal to three arbitrators as presently provided in the agreement, and (6) to provide for a faithful performance bank guarantee of $15,000 American currency or equivalent in Lire, in place of the present guarantee of $5,000.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 3, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-7345; Filed, Aug. 5, 1960; 8:49 a.m.]

Office of the Secretary

FRANK R. BAILEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 1, 1960.

Dated: August 1, 1960.

FRANK R. BAILEY.

[F.R. Doc. 60-7350; Filed, Aug. 5, 1960; 8:50 a.m.]

JOHN GEORGE KAIN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.
B. Additions: Ryder Systems, Inc.

This statement is made as of July 25, 1960.

Dated: July 25, 1960.

JOHN GEORGE KAIN.

[F.R. Doc. 60-7351; Filed, Aug. 5, 1960; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11183]

TRANS WORLD AIRLINES, INC., AND SEABOARD & WESTERN AIRLINES, INC., ENFORCEMENT

Notice of Hearing

In the matter of the complaint of Trans World Airlines, Inc. *v.* Seaboard & Western Airlines, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on August 23, 1960, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ferdinand D. Moran.

Dated at Washington, D.C., August 3, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-7354; Filed, Aug. 5, 1960; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from April 16, 1960, to July 15, 1960, inclusive.

These lists are supplementary to the lists of licensed establishments and products in effect on April 15, 1960, published on June 16, 1960 in 25 F.R. 5412.

ESTABLISHMENT LICENSES ISSUED

Establishment	License No.	Date
Municipal Blood Bank, Inc., Kansas City, Kans.	330	6-6-60
Behringwerke AG., Marburg-Lahn, Germany	97	6-16-60

PRODUCT LICENSES ISSUED

Product	Establishment	License No.	Date
Fibrinolysin and desoxyribonuclease combined (bovine).	Parke, Davis & Co.	1	4-19-60
Do	Merck, Sharp & Dohme.	2	4-19-60
Fibrinolysin (human).	do		4-26-60
Diphtheria and tetanus toxoids and pertussis and poliomyelitis vaccines aluminum phosphate adsorbed.	Pitman-Moore Co.	110	5-11-60
Diphtheria antitoxin.	Istituto Sieroterapico Vaccinogeno Toscano Sclavo.	238	5-12-60
Tetanus antitoxin	do		
Staphylococcus toxoid.	do		
Anti-N Serum	Philadelphia Serum Exchange.	139	5-24-60
Citrated whole blood (human).	Municipal Blood Bank, Inc.	330	6-6-60
Anti-A blood grouping serum.	J. K. and Susie L. Wadley Research Institute and Blood Bank.	167	6- 9-60
Anti-B blood grouping serum.	do		6-29-60
Plasma protein fraction (human).	Osterreichisches Institut fur Haemoderivate.	258	6-16-60
Do	Hyland Laboratories.	140	6-16-60
Streptokinase-streptodornase.	Behringwerke AG.	97	6-16-60

Establishment licenses revoked without prejudice:

None.

PRODUCT LICENSES REVOKED WITHOUT PREJUDICE

Product	Establishment	License No.	Date
Bacterial vaccine made from pertussis bacillus.	Bureau of Laboratories, New York City Department of Health.	14	4-20-60
Diphtheria toxoid	do		
Diphtheria toxin for Schick test.	do		
Schick test control	do		
Antipneumococcic serum.	Michigan Department of Health.	99	4-27-60
Normal human plasma.	do		
Poliomyelitis immune globulin (human).	do		
Diphtheria toxoid	do		
Tetanus toxoid	do		
Diphtheria and tetanus toxoids and pertussis vaccine combined alum precipitated.	do		
Diphtheria and tetanus toxoids combined alum precipitated.	do		
Tuberculin, old	do		
Bacterial vaccine made from partially autolyzed pneumococci.	Eli Lilly and Co.	56	6-29-60
Resuspended red blood cells (human).	Michigan Department of Health.	99	6-29-60
Anti-human globulin reagent.	Central Blood Bank of Pittsburgh.	234	6-29-60
Antibrucella serum	Merck Sharp & Dohme.	2	6-29-60
Anti-Rocky Mountain spotted fever serum.	do		
Antitularemic serum	do		
Citrated whole blood (human).	do		
Thrombin	do		
Pertussis vaccine	do		
Typhoid vaccine	do		

PRODUCT LICENSES REVOKED WITHOUT PREJUDICE—Continued

Product	Establishment	License No.	Date
Bacterial vaccine made from acne bacillus.	Merck Sharp & Dohme.		
Bacterial vaccine made from bacterium tularense.	do		
Bacterial vaccine made from brucella abortus.	do		
Bacterial vaccine made from brucella Suis.	do		
Bacterial vaccine made from dysentery bacillus.	do		
Bacterial vaccine made from gonococcus.	do		
Bacterial vaccine made from meningococcus.	do		
Bacterial vaccine made from pseudodiphtheria bacillus.	do		
Sensitized bacterial vaccine made from acne bacillus.	do		
Sensitized bacterial vaccine made from gonococcus.	do	2	6-29-60
Sensitized bacterial vaccine made from meningococcus.	do		
Sensitized bacterial vaccine made from pertussis bacillus.	do		
Sensitized bacterial vaccine made from pseudodiphtheria bacillus.	do		
Bacterial antigen made from pertussis bacillus.	do		
Diphtheria toxoid	do		
Diphtheria toxoid protamine precipitated.	do		
Diphtheria and tetanus toxoids and pertussis vaccine combined alum precipitated	do		
Diphtheria and tetanus toxoids combined alum precipitated.	do		
Diphtheria toxoid and pertussis vaccine combined alum precipitated.	do		
Rabies vaccine (killed virus).	do		
Smallpox vaccine	do		
Diphtheria toxin for Schick test.	do	2	6-29-60
Scarlet fever streptococcus toxin for Dick test.	do		
Schick test control	do		
Anti-A blood grouping serum.	do		
Anti-B blood grouping serum.	do		
Poison oak extract	do		
Bee venom solution.	do		

[SEAL] RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, U.S. Department of Health, Education and Welfare.

Approved:

J. STEWART HUNTER,
Assistant to the Surgeon General for Information, Public Health Service, U.S. Department of Health, Education, and Welfare.

[F.R. Doc. 60-7340; Filed, Aug. 5, 1960; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 2496]

IDAHO LIVESTOCK AUCTION, INC.

Notice of Complaint, Order of Suspension, and Hearing Regarding Respondent's Schedule of Rates and Charges

Notice is hereby given that on July 6, 1960, the respondent, by its attorney, filed an amendment to its current schedule of rates and charges, under Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), to become effective on July 18, 1960. On July 15, 1960, the respondent filed a telegram postponing the effective date of such amendment to July 25, 1960. The modifications proposed by the amendment are indicated below.

ITEM NO. I—ALL-INCLUSIVE CHARGE

* * * * *

SEC. 2. *Charge Classification.*

a. Cattle, other than carload lots:

	Rate per head	
	Present	Proposed
(1) Cattle, other than specified, all 400 pounds (presently 450 pounds) and over	$2.40	$2.75
(2) Cattle, other than specified, all 399 pounds (presently 449 pounds) and under	1.90	2.25
(3) Bulls, ordinary, all 800 pounds (presently 1,000 pounds) and over	4.00	5.00
(4) Dairy cows	5.00	5.00
(5) Purebred cattle, without registration papers	7.50	7.50
(6) Purebred cattle, with registration papers	10.00	10.00
(7) Brucellosis reactors	4.00	5.00

b. Cattle, carload lots:

(1) All classes of cattle suitable for sale in carload lots by consignor will be sold as such as follows:

(a) $77.50 (presently $70.00) per carload lot, or at the per head rate by classification, whichever is cheaper.

(b) Maximum of 26,000 pounds shall constitute a carload lot; and any excess weight shall be charged on a proportionate basis of $2.50 (presently $2.00) per thousand pounds or any part thereof, or the per head rate by classification, whichever is cheaper.

* * * * *

d. Sheep, other than carload lots:

	Rate per head	
	Present	Proposed
(1) One to 20 head, ordinary	$0.50	$0.60
(2) Twenty-one to 50 head, ordinary	.37	.60
(3) Fifty-one to 250 head, ordinary	.30	.40
(4) Bucks, without registration papers	2.00	2.00
(5) Bucks, with registration papers	2.50	2.50

e. Sheep, carload lots:

(1) All classes of sheep suitable for sale in carload lots by consignor will be sold as such as follows:

(a) $75.00 (presently $65.00) per carload lot, or at the per head rate by classification, whichever is cheaper.

(b) Maximum of 22,000 pounds shall constitute a carload lot; and any excess weight shall be charged on the basis of $2.50 (presently $2.00) per thousand pounds or any part thereof.

f. Hogs:

	Rate per head	
	Present	Proposed
(1) Market hogs	$0.40	$0.50
(2) Purebred hogs	2.50	2.50

* * * * *

ITEM NO. VI—SPECIAL STOCKYARD SERVICES

	Rate per head	
	Present	Proposed
SECTION 1. *Branding and earmarking.* All supplies and facilities, except irons, will be supplied by the company at	$0.30	$0.50
SEC. 2. *Dehorning.* All supplies and facilities needed will be supplied by the company at	.75	1.00
SEC. 3. *Vaccination and tests.* All facilities only will be supplied by the company at	.50	.50

Notice is given hereby also that on July 22, 1960, the Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, filed a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the respondent's rates and charges. The contents of such document are as follows:

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), hereinafter referred to as the act.

I. The respondent is now, and at all times mentioned herein was, registered with the Secretary of Agriculture as a market agency to sell on commission at the Idaho Falls Live Stock Commission Co., Idaho Falls, Idaho, which is now, and at all times mentioned herein was, a posted stockyard subject to the provisions of the act.

II. In accordance with the requirements of the act, the respondent has heretofore filed and presently has in effect a schedule of rates and charges for its services.

III. On July 6, 1960, the respondent filed an amendment to its current schedule of rates and charges to become effective on July 18, 1960. The amendment contains certain increases in the current rates and charges. On July 15, 1960, the respondent filed a telegram postponing the effective date of such amendment to July 25, 1960.

IV. Upon an analysis of the information available to the Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, there is reason to believe that certain of such increases are unjust, unreasonable, or discriminatory.

V. It is concluded, therefore, that a proceeding under Title III of the act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in the respondent's schedule of rates and charges as modified by the amendment filed on July 6, 1960, and that pending a hearing and decision in this proceeding, the operation of the modifications of the current schedule of rates and charges should be suspended and the use of such modified rates and charges deferred.

VI. It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondent and of any rule, regulation, or practice affecting said rates and charges.

It is therefore ordered, That the operation and use by the respondent of the modifications of the current schedule of rates and charges filed on July 6, 1960, to become effective on July 25, 1960, is hereby suspended and deferred until the expiration of thirty days beyond the time when such tariff would otherwise go into effect.

It is further ordered, That notice to the respondent shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before an Examiner of the Department at a time and place to be specified at a later date, of which the respondent will receive adequate notice. At such hearing the respondent and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

It is further ordered, That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days from the date of the publication hereof in the FEDERAL REGISTER.

It is further ordered, That a copy hereof be served upon the respondent.

It is further ordered, That this document be published in the FEDERAL REGISTER.

Done at Washington, D.C., this 2d day of August 1960.

HOWARD J. DOGGETT,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 60-7341; Filed, Aug. 5, 1960; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-89]

GENERAL DYNAMICS CORP.

Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 8, set forth below, to License No. R-38. The amendment provides an additional authorization to General Dynamics Corporation to operate its TRIGA reactor located at Torrey Pines Mesa, California, using certain modified fuel elements as described in its application for license amendment dated June 3, 1960. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see (1) the application for license amendment dated June 3, 1960, submitted by General Dynamics Corporation, and (2) a hazards analysis of the proposed operation prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 1st day of August 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. R-38; Amdt. 8]

License No. R-38, as amended, issued to General Dynamics Corporation, is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-38, as amended, General Dynamics Corporation is authorized to operate its TRIGA reactor located at Torrey Pines Mesa, California, using certain modified fuel elements as described in its application for license amendment dated June 3, 1960. The operation of the reactor shall be in accordance with the procedures and subject to the limitations contained in License No. R-38, as amended, and in the application for license amendment dated June 3, 1960.

This amendment is effective as of the date of issuance.

Date of Issuance: August 1, 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 60-7315; Filed, Aug. 5, 1960; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2734]

GREAT BASIN CONSOLIDATED MINES, INC.

Notice and Order for Hearing

AUGUST 2, 1960.

I. Great Basin Consolidated Mines, Inc. (issuer), a Nevada corporation, 5306

Evergreen, Las Vegas, Nevada, filed with the Commission on May 5, 1960, a notification on Form 1–A and an offering circular relating to an offering of 300,000 shares of its $1 par value common stock at $1 per share for an aggregate offering of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on June 7, 1960, issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein, an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under the applicable provisions under the Securities Act of 1933, as amended, and the rules of the Commission be heard at Room 305 of the United States Post Office Building, Las Vegas, Nevada, at 10:00 a.m., August 23, 1960, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with in that the notification fails to disclose that Marko Mining & Milling Co., Inc., a Nevada corporation, is an affiliate of the issuer.

B. Whether an exemption under Regulation A is not available to the issuer in that Marko Mining & Milling Co., Inc., which became an affiliate of the issuer within the past two years, is presently offering its securities under Regulation A (24SF–2680) for an aggregate offering price of $300,000.

C. Whether the offering circular omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the failure to disclose the existence of Marko Mining & Milling Co., Inc., a company organized by and having the same controlling persons as the issuer and having the same business purpose as the issuer.

D. Whether the offering would be made in violation of section 17 of the Securities Act of 1933.

III. *It is further ordered,* That William W. Swift or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the power granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail to Great Basin Consolidated Mines, Inc.; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Secretary of the Commission on or before August 21, 1960, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–7337; Filed, Aug. 5, 1960; 8:47 a.m.]

[File No. 24SF–2680]

MARKO MINING & MILLING CO., INC.

Notice and Order for Hearing

AUGUST 2, 1960.

I. Marko Mining & Milling Co., Inc. (issuer), a Nevada corporation, 116 South Fourth Street, Las Vegas, Nevada, filed with the Commission on December 15, 1959, a notification on Form 1–A and an offering circular relating to an offering of 300,000 shares of its $1 par value common stock at $1 per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on June 7, 1960, issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, temporarily suspending the exemption under Regulation A and affording to any person having an interest therein, an opportunity to request a hearing pursuant to Rule 261. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption;

It is hereby ordered, That a hearing under the applicable provisions under the Securities Act of 1933, as amended, and the rules of the Commission be heard at Room 305 of the United States Post Office Building, Las Vegas, Nevada at 10:00 a.m., August 22, 1960, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with in that the notification fails to disclose that Great Basin Consolidates Mines, Inc., a Nevada corporation, is an affiliate of the issuer.

B. Whether the offering circular omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the failure to disclose the existence of Great Basin Consolidated Mines, Inc., a company organized by and having the same controlling persons as the issuer and having the same business purpose as the issuer.

C. Whether the offering is being and will be made in violation of section 17 of the Securities Act of 1933.

III. *It is further ordered,* That William W. Swift or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the power granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail to Marko Mining & Milling Co., Inc.; that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Secretary of the Commission on or before August 20, 1960, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–7338; Filed, Aug. 5, 1960; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 360]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 3, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63333. By order of July 29, 1960, The Transfer Board approved the transfer to Raymond O. Fehsal, doing business as Fehsal's Express, Pearl River, N.Y., of Certificate in No. MC 95812, issued February 12, 1958, to George J. Overmeyer, Jr., Nanuet, N.Y., author-

izing the transportation of: Household goods, between points in Rockland County, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Connectitcut, and Pennsylvania within 150 miles of Nanuet, N.Y. David Brodsky, 1776 Broadway, New York 19, N.Y., for applicants.

No. MC–FC 63351. By order of July 29, 1960, The Transfer Board approved the transfer to Atlas Motor Express, Incorporated, Chicago, Ill., of Certificate in No. MC 37362, issued December 5, 1950, to Azalia Ries and Louis J. Ries, a partnership, doing business as Atlas Motor Express Package Delivery, Chicago, Ill., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between points in Illinois in the Chicago, Ill., Commercial Zone. Charles G. Lind, 173 West Madison Street, Chicago 2, Ill., for applicants.

No. MC–FC 63366. By order of July 29, 1960, The Transfer Board approved the transfer to Mar-Mac Oil Field Trucking, Inc., El Dorado, Kans., of Certificate in No. MC 96443, issued September 28, 1959, to Gene Marsh, Wendell McNees and Gene McMillan, a partnership, doing business as Mar-Mac Oil Field Trucking Company, El Dorado, Kans., authorizing the transportation of: Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Kansas and Oklahoma. Earl W. Francis, 214 West Sixth Street, Topeka, Kans., for applicants.

No. MC–FC 63387. By order of July 29, 1960, The Transfer Board approved the transfer to Evelyn Clydesdale, Arlington, N.J., of Permit in No. MC 63996, issued September 26, 1955, to Edward Clydesdale, Arlington, N.J., authorizing the transportation of: Paper products, folding paper boxes and returned shipments and skids, from, to, or between specified points in New Jersey and New York. Bert Collins, 140 Cedar Street, New York 6, N.Y., for applicants.

No. MC–FC 63391. By order of July 29, 1960, The Transfer Board approved the transfer to C. King Motor Service, Inc., St. Louis, Mo., of Certificate No. MC 72547 issued August 8, 1941, in the name of C. King, doing business as C. King Motor Service, St. Louis, Mo., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and various specified commodities, over irregular routes, between points in the St. Louis, Mo.—East St. Louis, Ill., Commercial Zone, as defined by the Commission. Austin C. Knetzger, 722 Chestnut Street, St. Louis 1, Mo., for applicants.

No. MC–FC 63398. By order of July 29, 1960, The Transfer Board approved the transfer to Midwest Moving Service, a corporation, Des Moines, Iowa; of Certificate in No. MC 6809, issued October 5, 1949, to Ray Leon McCann, Alliance, Nebr., authorizing the transportation of: Livestock, agricultural commodities, poultry, coal, lumber, posts, household goods, and emigrant movables, between Alliance, Nebr., and points within 30 miles thereof, on the one hand, and, on the other, points in Colorado, Wyoming, and South Dakota. William A. Landau, P.O. Box 1634, Des Moines, Iowa, for applicants.

No. MC–FC 63400. By order of July 29, 1960, The Transfer Board approved the transfer to Carrier Van Lines, Inc., Garden City, N.Y., of Certificate in No. MC 86922, issued February 25, 1941, to Shore Road Storage Co., Inc., Brooklyn, N.Y., authorizing the transportation of: Household goods, between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Massachusetts, Pennsylvania, Delaware, Maryland, and the District of Columbia. Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y., for applicants.

No. MC–FC 63443. By order of July 29, 1960, The Transfer Board approved the transfer to Grant Transfer, Inc., Scottsbluff, Nebraska, of a Certificate in No. MC 88680, issued July 26, 1957, to Edith B. Grant, doing business as Grant Transfer Company, Scottsbluff, Nebraska, which authorizes the transportation of plumbing, heating, air-conditioning and well irrigation equipment, stockers, refrigerators, radios, new furniture, and general store merchandise, over irregular routes, from Scottsbluff, Nebr., to points in Goshen, Platte, and Niobrara Counties, Wyo. Clark G. Nichols, 1610 1st Avenue, Scottsbluff, Nebr., for applicants.

No. MC–FC 63444. By order of July 29, 1960, The Transfer Board approved the transfer to Glenn L. Hormel and Lawson E. Longstreth, a partnership, doing business as L & H Trucking Company, Glen Burnie, Md., of Permit in No. MC 61619, issued July 5, 1941, to Lynwood E. Brown, doing business as L. E. Brown, Catonsville, Md., authorizing the transportation of: Starch, waste paper, scrap paper and materials used in the manufacture of paper, over irregular routes, from Baltimore, Md., to Spring Grove, Pa.; paper, over irregular routes, from Spring Grove, Pa., to Washington, D.C., and Baltimore, Md., and substitution in MC 61619 Sub 3. William J. Torrington, Attorney, 1003 Maryland Trust Building, Baltimore 2, Md., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–7349; Filed, Aug. 5, 1960; 8:50 a.m.]

[Drouth Order 58]

LOUISIANA

Transportation of Livestock Feed and Hay to Disaster Area at Reduced Rates

It appearing that by reason of drouth conditions existing in certain portions of the State of Louisiana, hereinafter referred to as the disaster area, the Honorable Jimmie H. Davis, Governor of the State of Louisiana, by telegram dated July 29, 1960, has, with the concurrence of the United States Department of Agriculture, requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport livestock feed and hay to the disaster area in Louisiana at reduced rates:

It is ordered, That carriers by railroad participating in the transportation of livestock feed and hay to the disaster area in Louisiana, which is all of the parishes of Ascension, East Baton Rouge, East Feliciana, West Feliciana, Livingston, St. Helena, St. Tammany, Tangipahoa and Washington, be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain until November 2, 1960, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be made effective one day after publication and filing instead of thirty.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture or by such State agents or agencies as may in turn be designated by the United States Department of Agriculture to assist in relieving the distress caused by the drouth.

It is further ordered, That, during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

It is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic

Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 2d day of August 1960.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–7348; Filed, Aug. 5, 1960; 8:49 a.m.]

[Notice 361A]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 4, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63424. Corrected* By order of July 27, 1960, the Transfer Board approved the transfer to B-B-S Transportation Inc., Marion, Ill., of a portion of a Certificate in No. MC 19240, issued February 4, 1954, to Robert G. Courtney, doing business as Courtney's Moving & Storage, Marion, Ill., which authorizes the transportation of Heavy machinery, over irregular routes, between points in Williamson, Franklin, and Saline Counties, Ill., on the one hand, and, on the other, points in Kentucky, Indiana, Ohio, Missouri, Arkansas, Kansas, and Oklahoma. W. L. Jordan, 201–2 Merchants Savings Building, 7 South Sixth Street, Terre Haute, Ind., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–7397; Filed, Aug. 5, 1960; 8:51 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

OSCAR F. RENZ

Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

*The previous synopsis published in the FEDERAL REGISTER of August 3, 1960, described the authority retained by transferor.

No change since last submission of statement, published January 7, 1960 (25 F.R. 137).

Dated: June 11, 1960

OSCAR F. RENZ.

[F.R. Doc. 60–7316; Filed, Aug. 5, 1960; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARTHE BLOEM

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marthe Bloem, Bressoux, Belgium; Claim No. 61764; $909.25 in the Treasury of the United States. 50 shares no par value common stock Southern Railway Company, certificate number A 314588, presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York. Vesting Order No. 17888.

Executed at Washington, D.C., on July 28, 1960.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F.R. Doc. 60–7336; Filed, Aug. 5, 1960; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplement is now available:

Title 45, Revised, $3.75

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 400–899, Revised, ($5.50); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Parts 40–399 ($0.75); Part 400 to End ($1.75); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Parts 222–299 ($1.75); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 32A ($0.65); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Titles 40–41, Revised ($0.70); Title 42, Revised ($4.00); Title 43 ($1.00); Title 44, Revised ($3.25); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Parts 146–149 (1960 Supp. 1) ($0.55); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70); General Index ($1.00).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.